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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 28th December 1957:—

Issue No.	No. and date	Issued by	Subject
592	S.R.O. 4071, dated the 19th December, 1957.	Ministry of Finance	A drawback allowed in respect of duty-paid imported gold used in the making of gold jewellery.
	S.R.O. 4072, dated the 19th December, 1957.	Ditto.	The Customs Duties Drawback (Gold Jewellery) Rules, 1957.
593	S.R.O. 4073, dated the 19th December, 1957.	Ministry of Food and Agriculture.	Amendment made in the Orissa Rice (Prohibition of Export) Order, 1957.
594	S.R.O. 4074, dated the 20th December, 1957.	Ditto.	Amendment made in the Punjab Rice (Movement Control) Order, 1957.
595	S.R.O. 4075, dated the 20th December, 1957.	Ditto.	The Uttar Pradesh Rice (Export Control) Order 1957.
596	S.R.O. 4076 dated the 20th December, 1957.	Ditto.	The Bihar Foodgrains (Export Control) Order, 1957.
	S.R.O. 4077, dated the 20th December, 1957.	Ditto.	The Madhya Pradesh Rice (Export Control) Order, 1957.
597	S.R.O. 4079, dated the 13th December, 1957.	Election Commission, India.	Election Petition No. 458 of 1957.
598	S.R.O. 4075, dated the 20th December, 1957.	Ministry of Information and Broadcasting.	Certification of films to be of the description specified therein.
599	S.R.O. 4080, dated the 18th December, 1957.	Election Commission, India.	Election Petition No. 324 of 1957.
600	S.R.O. 4081, dated the 21st December, 1957.	Ministry of Finance.	Amendment made in the Customs Duties Drawback (Telecommunication Equipment) Rules, 1957.

Issue No.	No. and date	Issued by	Subject
	S.R.O. 4082, dated the 21st December 1957.	Ministry of Finance	Amendment made in the Customs Duties Drawback (Cough Syrup) Rules, 1957.
601	S.R.O. 4083, dated the 24th December 1957.	Ditto.	Draft of the amendment to be made in the Customs Duties Drawback (Saccharin) Rules, 1957.
	S.R.O. 4084, dated the 24th December 1957.	Ditto.	Amendment made in the Customs Duties Drawback (Linoleum) Rules, 1954.
602	S.R.O. 4085, dated the 18th December 1957.	Election Commission, India.	Election Petition No. 310 of 1957.
603	S.R.O. 4086, dated the 19th December 1957.	Ditto.	Election Petition No. 473 of 1957.
604	S.R.O. 4087, dated the 16th December 1957.	Ditto.	Election Petition No. 83 of 1957.
605	S.R.O. 4148 dated the 24th December 1957.	Ministry of Law.	Declaration containing the name of the candidate elected to the House of the People by the 54 Muzaffarpur Parliamentary Constituency.
606	S.R.O. 4149, dated the 26th December 1957.	Election Commission, India.	Notice of withdrawal of Election Petition No. 463 of 1957.
607	S.R.O. 4150, dated the 27th December 1957.	Ministry of Finance	Amendment made in the Notification No. 146-Customs, dated the 7th September 1955.
	S.R.O. 4151, dated the 27th December 1957.	Ministry of Commerce and Industry.	Amendment made in the notification No. S.R.O. 3143, dated the 5th October 1957.
608	S.R.O. 4152, dated the 28th December 1957.	Ministry of Finance	Amendment made in the Customs Duties Drawback (Potassium Citrate) Rules, 1957.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners)**

#### ELECTION COMMISSION, INDIA

New Delhi, the 23rd December 1957

**S.R.O. 5.**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below,

as notified under notification No. HP-P/398/57(185), dated the 30th October, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Anokhi Ram, 4, St. Marks Quarters, Simla.

[No. HP-P/398/57(185R)/15329.]

By Order,

BALWANT SINGH, Under Secy.

### MINISTRY OF LAW

New Delhi, the 27th December 1957

**S.R.O. 6 [Contracts/Am(21).]**—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Law, No. S.R.O. 3442, dated the 2nd November, 1955, relating to the execution of contracts and assurances of property, namely:—

In the said notification, under Part II which relates to the Ministry of Commerce and Industry, for clause (a) of item 1, the following clause shall be substituted, namely:—

“(a) Bonds and guarantees submitted by importers or exporters in connection with the clearance or export of goods for the due fulfilment of conditions imposed on the importers or exporters; by the Chief Controller of Imports and Exports, Joint Chief Controllers of Imports and Exports, Deputy Chief Controllers of Imports and Exports, Import Trade Controllers, Export Trade Controllers, Controllers of Imports and Exports.

[No. F.44(1)/57-J.]

B. N. LOKUR, Jt. Secy.

### LOK SABHA SECRETARIAT

New Delhi, the 19th December 1957

**S.R.O. 7.**—In exercise of the powers conferred by rule 20 of the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955, the Speaker, after consultation with the Ministry of Finance, hereby makes the following amendment in the Lok Sabha Secretariat (Temporary Service) Rules, 1957, namely:—

In the said Rules, after the second proviso to rule 6, the following further proviso shall be added:—

“Provided further that when the services of a quasi-permanent officer are terminated under clause (ii), he shall be given three months' notice and if, in any case, such notice is not given, then, with the sanction of the authority competent to terminate the services of such officer, a sum not exceeding his pay plus allowances for the period by which the notice actually given to him falls short of three months, may be paid to him, and, if he is entitled to any gratuity, such gratuity shall not be paid for the period in respect of which he receives a sum in lieu of notice; the compensatory (City) and House Rent allowances, where admissible shall be payable on the expiry of the period of notice and after it is certified by the competent authority that the officer continued to reside during that period at the station where he was last employed, notwithstanding the fact that he was not expected to return to duty at that station.”

[No. F.1(16)-SD/56.]

M. N. KAUL, Secy.

## MINISTRY OF HOME AFFAIRS

New Delhi-2, the 23rd December 1957

**S.R.O. 8.**—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Manipur the Madras Livestock Improvement Act, 1940 (Madras Act XV of 1940), as at present in force in the State of Madras, subject to the following modifications:—

## Modifications

## 1. Throughout the Act—

- (a) for the words "State of Madras", the words "Union territory of Manipur" shall be substituted;
- (b) save as otherwise provided in item 4 below, for the words "State Government", the words "Chief Commissioner" shall be substituted.

2. In the long title and preamble, for the words "Province of Madras", the words "Union territory of Manipur" shall be substituted.

3. In sub-section (3) of section 1 and in sub-section (5) of section 20, for the words "Fort St. George Gazette", the words "Manipur Gazette" shall be substituted.

4. In sections 17 and 18, for the words "officer or servant of the State Government" wherever they occur, the words "officer or servant of the Administration" shall be substituted.

5. In section 19, for the words "themselves" and "they think fit", the words "himself" and "he thinks fit" shall be substituted respectively. \*

## ANNEXURE

The Madras Livestock Improvement Act, 1940, as modified by this Notification.

[No. F.9/1/57-J.II.]

S. NARAYANSWAMY, Dy. Secy.

New Delhi-2, the 25th December 1957

**S.R.O. 9.**—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following amendment in the Indian Police Service (Uniform) Rules, 1954.

2. The amendment hereby made shall be deemed to have taken effect from the 18th October, 1957.

## Amendment

In the Schedule to the said rules, after clause 3, the following clause shall be inserted, namely:—

"3-A. *Mess Dress.*—This shall be worn at messes, at official public entertainments by night, or when invited to meet the President or Governor at dinner or at an official function by night, unless Review Order is specially ordered.

It shall consist of:

(i) *Patrol Jacket.*—Dark blue cloth (during cold weather) and white drill (during hot weather) single breasted, cut as lounge coat to the waist, loose at the chest and shoulders but fitted at the waist, slits down the side 6" deep. Collar to be buttoned up to the neck, collar band 1½" wide. Length as in an ordinary civilian lounge coat, i.e., just covering the seat. Two cross-patch breast pockets above, 6½" wide and 7½" deep to the top of the flap with 2½" box pleat in the centre. Six medium Indian Police Service pattern buttons down the front up to waist only. Pointed cuffs, 5" high at the front and 2½" behind. Collars for the Director, Intelligence Bureau and the Inspector General will be worn in silver.

(ii) *Collar.*—Collars for the Director, Intelligence Bureau and the Inspector General should be of the pattern as worn by the officers of the rank of Major General in the Army i.e., ornamented with ½ inch silver lace round the top and front edges and embroidered all round in oak-leaf pattern in dead and bright

silver. For others the collar will be of the same material as a patrol jacket but the Deputy Inspector General and Selection Grade Superintendents of Police will wear gorget patches on red background and other Superintendents of Police and Assistant Superintendents of Police should wear plain blue collars. The collar of patrol jacket should be  $1\frac{1}{2}$ " wide. Collar badges  $1\frac{1}{4}$ " in height to be worn by officers of the Indian Police Service who are not entitled to wear gorget patches.

(iii) *Shoulder Cord*.—Black twisted lace cord Epaulettes as per specification of the old full dress (blue uniform) according to the following specifications—triple plated design of black twisted lace cord  $\frac{1}{4}$ " in diameter  $1-1/3$ " wide at the neck terminating in  $2\frac{1}{2}$ " wing and 6" in length, lined with blue cloth and set on hinged steel plates attached to the jacket by means of the lower portion of the hinged plate passing through a cloth loop at the shoulder seam and fastening at the neck by means of a small size screw button.

(iv) *Medals*.—Miniatures will be worn for Mess Functions, the buttons edge of the bar to touch the top edge of pocket-flap and the miniature hanging to button of pocket. For State Functions full size medals will be worn.

(v) *Overalls*.—Dark blue cloth (during cold weather) and white drill (during hot weather) of the same shade as that of the jacket with 2 stripes of  $\frac{1}{4}$ " plain mohair braid  $\frac{1}{2}$ " apart down the outside seam. Black leather foot straps with steel buckle. Slacks may be worn as an alternative wear, but should be without turn-ups like evening dress trousers and will be of the same material as the jacket with 2 stripes of  $\frac{1}{4}$ " plain mohair braid  $\frac{1}{2}$ " apart down the outside seam, trousers to be shaped from instep to heels, bottom to measure 18".

(vi) *Foot Wear*.—Mess Wellingtons of the regulations pattern or black leather ankle boots without laces, if worn with slacks, shall be worn without spurs, but with overalls spurs shall always be used.

(vii) *Spurs*.—Box with plain rowels only to be used when wearing overalls with Wellingtons or ankle boots.

(viii) *Head Dress*.—Blue forage cap with patent leather peak as prescribed previously. The Director, Intelligence Bureau and the Inspector General will have the oak-leaf work in silver right round the peak. Deputy Inspectors General and Selection Grade Superintendents will have similar oak-leaf work on the front side. Other Superintendents of Police and Assistant Superintendents of Police will have plain patent leather peaks.

(ix) *Badges of Rank*.—The Director, Intelligence Bureau and the Inspectors General will wear silver embroidered badges of rank on the shoulder cord on a blue background while the others will wear them on the shoulder cord itself with no background.

\* *NOTE*:—Those in possession of the existing Mess Kit may continue to wear it with the modification suggested with regard to the shoulder cords."

[No. 13/50/57-AIS(III).]

New Delhi, the 27th December 1957

**S.R.O. 10.**—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following amendment in the Indian Police Service (Recruitment) Rules, 1954, namely:—

In the said rules, the following proviso shall be added to sub-rule (1) of rule 5, namely:—

"Provided that nothing in this sub-rule shall apply to a person recruited to the Service from amongst the members of a State Police Service under sub-rule (1) of rule 9 of these rules or under regulation 3 of the Indian Police Service (Special Recruitment) Regulations, 1957."

2. This notification shall be deemed to have come into force on and from the 1st July, 1957.

[No. 13/40/57-AIS(III)-A.]

**S.R.O. 11.**—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the

following amendment in the Indian Administrative Service (Recruitment) Rules, 1954, namely:—

In the said rules, the following proviso shall be added to sub-rule (1) of rule 5, namely:—

“Provided that nothing in this sub-rule shall apply to a person recruited to the Service from amongst persons referred to in sub-rule (1) or sub-rule (2) of rule 8 of these Rules or from amongst persons serving in connection with the affairs of a State under clause (b) of regulation 3 of the Indian Administrative Service (Special Recruitment) Regulations, 1956.”

[No. 13/40/57-AIS(III).]

### ORDER

New Delhi, the 23rd December 1957

**S.R.O. 12.**—In exercise of the powers conferred by sub-sections (2), (3) and (4) of Section 114 of the States Reorganisation Act, 1956 (37 of 1956) and of all other powers enabling it in this behalf the Central Government hereby makes, with effect from 1st November, 1956, the following further amendment to the All India Services (Reorganisation of Cadres) Order, 1956, published as S.R.O. 2511 in Part II, Section 3 of the Gazette of India (Extraordinary) dated the 30th October, 1956, namely:—

In the Second Schedule annexed to the said Order—under the Heading 2—Bombay and sub-heading “A-Indian Administrative Service” after item 168, the following item shall be added, namely

169 Shri H. H. Trivedi . . . . . -do-.

[No. 26/27/57-AIS(II).]

S. P. MUKERJEE, Under Secy.

New Delhi, the 26th December 1957

**S.R.O. 13.**—In exercise of the powers conferred by sub-section (a) of section 27 of the Indian Arms Act, 1878 (11 of 1878), the Central Government hereby exempts the Bhutan Frontiers Guards platoon in charge of Jamadar Sangye Dorji attached to the Maharaja of Bhutan proceeding from Sirdindhi in Bhutan to Diwangliri via Banarhat and Rangia, from the operation of the prohibitions and directions contained in sections 6, 10 and 13-15 of the said Act, in respect of the arms and ammunition possessed by them.

[No. 17/18/57-Police(IV).]

New Delhi, the 29th December 1957

**S.R.O. 14.**—In exercise of the powers conferred by sub-section (a) of section 27 of the Indian Arms Act, 1878 (11 of 1878), the Central Government hereby exempts Lieutenant Gadul Shumshore Jung Bahadur Rana and 2/Lt. Amrit Bahadur, Nepalese Army Officers leaving for training on 30th December for Mhow Infantry School, from the operation of the prohibitions and directions contained in sections 6 and 10 of the said Act, in respect of the following arms and connected ammunition, if any:—

1. One .303 rifle No 25982.
2. Two .38 bore revolvers Nos 144532 and A29190.
3. One rifle MK-IV 7TC5495.

[No. 17/19/57-Police IV.]

S. L. MATHURIA, Under Secy.

New Delhi, the 28th December 1957

**S.R.O. 15.**—It is hereby notified for general information that the Government of Jammu & Kashmir to which the Police Act, 1888 (III of 1888) extends

have consented under section 4 of that Act to the exercise, within the territory of that State, by the Police force of every other State, of the powers conferred by section 3 of the said Act.

[No. 17/2/57-Police(I).]

RAJ KUMAR, Dy. Secy.

New Delhi, the 30th December 1957

**S.R.O. 16.**—In exercise of the powers conferred by section 5 of the Indian Boilers Act, 1923 (5 of 1923), the Central Government hereby appoints:—

1. the Deputy Commissioner, Andaman and Nicobar Islands, as "Chief Inspector of Boilers" for the Andaman and Nicobar Islands.
2. the Engineer and Harbour Master, Port Blair, as the "Inspector of Boilers" for the Andaman and Nicobar Islands in respect of boilers other than boilers which come under the control of the Marine Department of the Andaman and Nicobar Islands.
3. the Chief Engineer of m.v. "Nicobar" as "Inspector of Boilers" for the Andaman and Nicobar Islands in respect of boilers coming under the control of the Marine Department of the Andaman and Nicobar Islands.

[No. 58/1/51-ANL-1957.]

**S.R.O. 17.**—In exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (5 of 1923), the Central Government hereby makes, with effect from the 4th January, 1958 the following rules, the same having been pre-published as required by section 31 of the said Act, namely:—

### THE ANDAMAN & NICOBAR ISLANDS BOILER RULES, 1957

#### I. PRELIMINARY

1. **Short title and extent.**—(1) These rules may be called the Andaman and Nicobar Islands Boiler Rules, 1957.
- (2) They shall apply to the Union Territory of the Andaman and Nicobar Islands.
2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context—
  - (a) "the Act" means the Indian Boilers Act, 1923 (V of 1923);
  - (b) "section" means a section of the Act;
  - (c) "regulation" means a regulation of the Indian Boiler Regulations, 1950, framed by the Central Boilers Board under section 58 of the Act.

#### II. GENERAL

3. **Fee how to be paid.**—All fees, costs and penalties payable under the Act or any regulation framed thereunder or those rules, shall be deposited in a Government Treasury under the head "XXXVI—Miscellaneous Department Miscellaneous,—Fees for the Inspection of Steam Boilers", by Challan in triplicate, the original copy being forwarded to the Inspector of Boilers, Andamans, together with the application for inspection. An application under section 7 or section 8 of the Act to which the treasury receipt obtained on payment of the prescribed fee is attached shall be deemed to be accompanied by the prescribed fee.

In the case of fee payable by Government Departments, the payment shall be made by book transfer.

4. **Appointment of Inspectors.**—The appointment of the Chief Inspector and the Inspectors of Boilers shall be regulated by such terms and conditions as the Central Government may prescribe in this behalf.

#### III. FEES

5. **Calculation of the fees for registration of boilers.**—(1) Fees required to accompany applications under sub-section (1) of section 7 shall be calculated on the basis of boiler rating as prescribed in regulation 384.

(2) The formula for calculating boiler rating shall be as prescribed in regulation 383

**6 Kinds of fees and other charges.**—The following fees are prescribed, namely—

- (1) Registration fees—Fees for registration and first inspection of boilers shall be as prescribed in regulation 385
- (2) Fees for inspection for renewal of certificates—Fees required to accompany applications for the issue of renewed certificates under sub section (4) of section 8 shall be Rs 40/- for each boiler
- (3) Application of the above fees—The fees mentioned in clauses (1) and (2) shall cover thorough inspection, hydraulic test and steam test where such are necessary, subject to the provisions of section 14(2)
- (4) Second fees for re-inspection of defective boilers and inspection in default—A second fee shall be leviable for the re-inspection of a defective boiler and also in any case where the inspection of a boiler is begun, but, owing to the fault or neglect of the owner or person in charge, is not completed within a period of six months from the date of commencement of inspection
- (5) Fees for duplicate certificate—Duplicate certificates for bona fide purposes may be issued to boiler owners under the orders of the Inspector in receipt of a fee of Rs 3/- per copy
- (6) Fee for copy of Registration Book—For each copy Rs 5/-
- (7) Additional fee for inspection on Sundays and certain holidays—(a) Notwithstanding the provisions of clause (3), an additional fee of Rs 50/- shall be charged for the inspection of a boiler on a Sunday or any other public holiday, provided that such inspection is made at the request of the owner of the boiler  
(b) The additional fee charged under sub-clause (a) shall be paid in the manner prescribed in rule 3
- (8) Payment of Inspector's travelling expenses in certain cases—(a) In addition to the above fees, the Inspector's travelling expenses shall be realised from owners, whose boilers are not ready for inspection on the first visit made on their application, for every additional visit paid by the Inspector for the completion of the Inspection  
(b) If the owner of a boiler requires an inspection at a time when it would be necessary for the Inspector to undertake a special journey for the purpose, an additional fee equal to the travelling allowance of the Inspector and his attendant staff, if any, from and to the Inspector's headquarters as determined by the rules for the time being in force for grant of travelling allowance to Inspectors, shall be paid by the owner of the boiler in addition to the fees, prescribed in this rule

Provided that if two or more owners apply for inspections which are made in the course of a single such journey, the additional fee prescribed in this clause shall be recovered from such owners in such proportion as the Inspector may determine

**7. Refund of fee.**—Fees paid in excess and fees paid for inspections which, for any reason not due to any fault or omission of the owners or persons in charge of boilers, have not been made shall be refunded by the Inspector if the refunds are applied for within one year from the date of payment, or may be set off by the Inspector against the fees for the inspections of any other boilers of the same owner

#### IV DUTIES OF THE CHIEF INSPECTION

**8. Chief Inspector's duties.**—The Chief Inspector shall—

- (a) enter under his own signature all orders required by section 7;
- (b) decide all appeals against the order of the Inspector under section 19;
- (c) prepare the budget estimates for carrying out the purposes of the Act

## V. DUTIES OF THE INSPECTOR

**9. Inspector's duties.**—The Inspector shall work under the administrative control of the Deputy Commissioner and shall submit to him—

- (a) an Annual Report on the administration of the Act;
- (b) such other reports and returns as may be called for.

**10. Manner of Inspection.**—The main duties of Inspectors as laid down in the Act shall be the inspection and examination of boilers and steam pipes for safety. Inspections shall be carried out strictly in accordance with Chapter IX of the Regulations and Parts VIII and IX of these rules.

**11. Other duties of Inspector.**—The Inspector shall—

- (a) personally check the registration and measurements of all newly registered boilers, the initial working pressure and shall report the result of the examination to the Chief Inspector for orders;
- (b) enter under his own signature any subsequent entries required in the registration book;
- (c) prepare a programme of inspections with due regard to the convenience of owners generally;
- (d) maintain a memorandum of inspection book for each boiler under his charge;
- (e) receive applications for registration or inspection under sections 7 or 8, make proposals for repairs, alterations or renewals under sections 12 and 13 and receive reports of accidents under section 18;
- (f) enquire into accidents to boilers and steampipes and report to the Chief Inspector;
- (g) report to the Chief Inspector cases of unreported accidents and unauthorised repairs discovered at the time of inspection.

**12. Instructions to be exhibited.**—The Inspector may advise owners regarding the maintenance, working and cleaning of boilers. Such instructions as he may issue for this purpose shall be hung up in each boiler house.

**13. Registers.**—The Inspector shall keep in his office—

- (a) a register in Form A appended to these rules of all boilers registered in the islands or the registry of which has been transferred from another State;
- (b) the registration book and memorandum of inspection book of all boilers borne on his register;
- (c) a register of appeals;
- (d) a register of accidents; and
- (e) a register of registration and inspection fees received.

**14. Application by owners.**—When a certificate is required for a boiler, application shall be made by the owner to the Inspector in Form B, No. 1, appended to these rules, stating the date on which the boiler will be ready for inspection. Such application shall be accompanied by the treasury receipt in original obtained on payment of the prescribed fee. In the case of boilers belonging to Government departments, the application shall be accompanied by the accepted book debit voucher for payment of the prescribed fee. The application when received should bear necessary endorsement thereon by the Cashier, showing that the fee and the extra fee, if any, chargeable for inspection on a Sunday or other holiday as laid down in clause (7) of rule 6 together with the Inspector's travelling expenses, if any, chargeable under sub-clause (a) or sub-clause (b) of clause (8) of rule 6 have been paid. If the date on which the boiler will be ready for inspection as stated in the application by the owner is unsuitable for inspection of the boiler, the Inspector shall fix a date within thirty days from the date of receipt of the application for such inspection and will give the owner not less than ten days notice in Form C, of the date so fixed.

**15. Kind of Inspection.**—There shall be two kinds of inspection of boilers:—

- (a) When the certificate granted under this Act is about to expire or when it has been revoked or suspended under section 11 and the owner desires that it shall be renewed, a thorough examination, inside and outside, shall be made by the Inspector in person, for which purpose the boilers must be prepared as required by regulation 376.

(b) An ordinary inspection may be made by an Inspector at any time for the purpose of ascertaining whether a certificate should be revoked or suspended under section 11

**16 Enforcement of rules**—In addition to the inspection and examination of boilers, it shall be the duty of the Inspector to search for unregistered or uncertificated boilers within his area, and to see that certificated boilers are worked in accordance with the terms of their certificates and of any regulation or rule under the Act for safe working

**17 Advice by Inspector**.—At the time of inspection, the Inspector may advise the owner or the person in charge of the boiler on the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water used

**18 Declaration by Inspector**.—When an inspection under the Act is completed, the Inspector making it shall prepare a declaration in Form B—No. 2, appended to these rules in column 8 of which the limit of the working pressure, in pounds per square inch, shall be clearly noted.

**19 Inspector's certificate**.—Upon receipt of the declaration in the office, a certificate authorising the use of the boiler shall be prepared in Form VI prescribed by the regulations. Such certificates shall be signed by the Inspector and shall be delivered to the owner, manager or agent of the steam boiler inspected

The time for the inspection of a boiler shall be between sunrise and sunset.

## VI. ACCIDENTS

**20 Investigation by Inspector**.—On receipt of a report of an accident to a boiler or steampipe under section 18, the Inspector shall, with the least possible delay, proceed to the place to investigate the accident

**21 Enquiry and report**—(1) The Inspector at his enquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the purposes of his report, as he may deem necessary. He shall enquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be made in Form D appended to these rules

(2) The Inspector shall take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of section 18(2), the Inspector shall present to the owner or person in charge of the boiler a series of written questions on all points that are material to the enquiry

(3) The Inspector shall decide whether the use of the boiler can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case shall he issue a provisional order or renewal certificate, until his orders have been carried out

(4) A brief account of all accidents and their causes and measures to prevent re-occurrence shall be included in the annual report on the working of the Act.

**22 Unreported accidents**.—If, in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported, he shall report the facts at once to the Chief Inspector for action under section 24(d)

## VII. APPEALS

**23 Appellate Authority**.—In this part "Appellate Authority" means the Chief Commissioner of the Andaman and Nicobar Islands

**24 Appeal to be in writing**.—Every petition of appeal shall be in writing either in English or in Hindi

**25 Presentation of appeal**.—A petition of appeal may be presented either personally or by registered post to the Chief Inspector.

**26 Documents to be filed**.—The petition of appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such order, notice or report has been made in writing, by a clear statement of the facts appealed against, the grounds of appeal, and the relevant section.

**27. Date of hearing.**—On receipt of an appeal, the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal, and if it is to be heard by the Appellate Authority, obtain a date for the hearing of the appeal from the Chief Commissioner. There shall be no delay in deciding the appeals. The decision shall ordinarily be given within ten days from the receipt of the petition of appeal.

**28. Notice to appellant.**—When the date for hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant stating the date fixed for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence, he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as shall be entered in the petition of appeal.

**29. Inspector when to be present.**—In all appeals the Chief Inspector shall decide whether the presence of the Inspector is necessary and shall issue orders accordingly.

**30. Powers of Appellate Authority.**—The Appellate Authority shall have power to secure the attendance of witnesses and to make local enquiries and for this purpose shall exercise the powers of a Court under the provisions of the Code of Civil Procedure, 1908.

**31. Ex parte decision.**—If the appellant is not present on the date fixed, the appeal may be decided in his absence.

**32. Costs.**—In appeals before it, the Appellate Authority, shall fix the costs and recover them from the appellant in any case in which the appeal is dismissed. In all cases of appeal in which a local inspection is required by the appellant, he shall deposit in advance the full costs of such inspection.

**33. Fees.**—Any order on appeal authorising the registering of a boiler or the grant of renewal of a certificate shall be deemed to be subject to the payment of such fees as are prescribed by rules or regulations.

#### VIII. INSTRUCTIONS FOR REGISTRATION

**34. Inspectors to carry out instructions.**—Inspectors shall carry out the technical instructions for the registration of boilers, as laid down in Chapter IX of the Regulations, with the greatest care and precision.

**35. Deficit fee to be paid.**—No boiler shall be registered if on measurement the fee is found to be deficient, until the deficit has been paid.

**36. Register of boilers registered in the State.**—The Inspector shall maintain a register of registered boilers in serial order in Form A in two parts; in Part I (boilers originally registered in the Islands) the registered number of a boiler shall be the one immediately following the last serial number in the register. Gap numbers due to boilers being broken up or transferred to another state shall not be filled up. In part II (boilers originally registered in other States), entries shall be made as prescribed in rule 37.

**37. Register of transferred boilers.**—Whenever a boiler is transferred from one State to another, the owner shall, under section 6(b) apply to the Inspector of the State to which the boiler is transferred, for the registration of the transfer; the boiler cannot be used until registration has been effected. The Inspector shall then obtain from that State the registration book and memorandum of inspection book of the boiler. No fee shall be charged for recording transfer.

On receipt of the registration and memorandum of inspection books, the Inspector shall enter the boiler under its original number in Part II of his register. The registration book and the memorandum of inspection book shall be kept in the Inspector's office.

**38. Transfer of breaking up.**—Whenever a boiler has been transferred to another State, or broken up, the fact shall be noted in the register.

In the case of a boiler that has been permanently dismantled, the registration book and the memorandum of inspection book shall be destroyed.

#### IX. INSTRUCTIONS FOR INSPECTION

**39. Inspection how carried out.**—(1) The Inspector shall carry out the inspection of boilers in accordance with the detailed instructions contained in Chapter IX of the Regulations. The Inspector previous to an inspection shall scrutinize the memorandum of inspection book and shall note any entries that may have been made at the last inspection.

(2) Inspectors when inspecting one boiler of a battery shall also examine the other boilers under steam, with special reference to the water gauges, pressure gauges and safety valves.

**40. Certificates and provisional orders.**—(1) All certificates shall be issued by the Inspector.

A provisional order shall be issued in each case of registration after the hydraulic test if the Inspector is satisfied. The steam test may be taken at any convenient time within the period of the provisional order, after which, if the test is satisfactory, the certificate under section 7(6) shall be issued.

A provisional order shall also be issued after each completed inspection for renewal of the certificate so as to give authority for the use of the boiler pending the issue of the certificate.

The period specified in any certificate or provisional order shall begin on the day following that on which the completed hydraulic test or thorough inspection is made.

(2) Provisional orders and certificates shall be issued in Forms V and VI respectively prescribed under the Regulations.

FORM A

(Rules 13 and 36 & 37)

Boiler Inspection Department  
Register of Boilers

Registry Number	Type of Boiler	Boiler rating	Name of Manufacturer	Year and place of Construction	Date of registration	Name of owner	Place where in use	Remarks (Transfers etc.)
1	2	3	4	5	6	7	8	9

In Part II of the register, column 1 should contain the registry number and letters.  
Issued by the  
INSPECTOR OF BOILERS,  
ANDAMANS.

Registered No. \_\_\_\_\_

Certificate No. \_\_\_\_\_

FORM B—No. I

(Rule 14)

*Application for Inspection of Boilers and Steam Pipes*

*Division I*

Registered No. of Boiler	Name of Owner or Agent	Where situated	Date of inspection	Description of Boiler and age.
1	2	3	4	5

I hereby submit application to the Inspector of Boilers for inspection of and the grant of a certificate for the boiler above named, together with the Treasury receipt in original obtained on/accepted Book Debit Voucher in original for payment of the prescribed fee specified below.

Dated at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Owner or Agent.

*Division II*  
(To be sent to owner with application form.)

I certify that the following fees and expenses are payable:—

Boiler No.	Boiler rating	Fees	Extra fee for Sunday and holi-day inspection and other ex-penses.	Total
I	2	3	4	5

N.B: This form with Division I, duly filled in together with the Treasury receipt in original obtained on accepted Book Debit Voucher in original for payment of the prescribed fees and expenses specified above, must be forwarded as soon as possible to the office of the Inspector of Boilers, Andamans in order that the necessary inspection may be made.

Payment of fees by Book Transfer is applicable in the case of Government Departments only.

Dated at Andamans,  
This \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_. Inspector of Boilers.

*Division III*

I hereby certify that Rupees \_\_\_\_\_ Annas \_\_\_\_\_ and pies \_\_\_\_\_ have been deposited in \_\_\_\_\_ Treasury as per receipt/accepted for adjustment by Book Transfer \_\_\_\_\_ Voucher No. \_\_\_\_\_ dated \_\_\_\_\_ 19\_\_\_\_\_, on account of the inspection of the boiler above named.

Dated at Port Blair,  
This \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_. .

Cashier,  
*Office of the Inspector of Boilers.*

FORM B—No. 2  
(Vide Rule 18)  
*Declaration of Inspection*

Registered No. of Boiler	Description and material. When and where made	Repairs and al-teration since last inspection	Purpose for which used	Boiler rating.
I	2	3	4	5

Date of last hydraulic test and pressure applied	Date of inspection	Limit of working pressure of boiler in pounds per square inch.	Date of hydraulic test of steam pipe	Remarks
6	7	8	9	10

I hereby declare, *viz.*:—

- (1) That the above named boiler was duly inspected by me on the \_\_\_\_\_ 19\_\_\_\_\_, and found to be in accordance with the rules and requirements of the Indian Boilers Act, V of 1923.
- (2) That the boiler with attached steam pipes is in charge of a \_\_\_\_\_ and is not so exposed as to be dangerous.
- (3) That the said boiler will, in my judgment, be sufficient for a period of \_\_\_\_\_ months at a working pressure, which is on no account to exceed the pressure "per square inch in pounds" stated in column 8 of this form.

Dated at \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_. .

Inspector.

## FORM C

(Vide Rule 14)

## Notice of examination of boiler under sections 7 and 8

No

of

19

Boiler Inspection Office,

Dated the

19

To,

In reply to your application, dated \_\_\_\_\_, you are hereby informed that boiler registry No. \_\_\_\_\_ at the above named premises will be thoroughly examined/hydraulically tested by the Government Inspector on the \_\_\_\_\_.

To enable the examination to be made, you are bound—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;
- (b) to have the boiler properly prepared and ready for examination in the prescribed manner; and
- (c) in the case of an application for the registration of a boiler, to provide such drawings, specifications certificate and other particulars as may be prescribed.

Voucher No \_\_\_\_\_ in acknowledgement of Bank/Treasury Receipt No. \_\_\_\_\_ for Rs. \_\_\_\_\_ accompanies.

Inspector of Boilers.

(See reverse for preparation required).

## (REVERSE OF FORM C)

## Preparation for examination

## (See Chapter IX of the Regulations)

(a) *Preparation for thorough Inspection.*—At every inspection of a boiler for the grant or renewal of a certificate, the boiler shall be empty and thoroughly clean in all its parts. All doors of manholes, handholes and sightholes and cleaning plugs and all caps in the headers and mud-drums of water tube boilers, all firebars, bearers, front plates, bridge plates, fire-bridges, brick arches, oil fuel burners and mechanical stoker fittings shall be removed. All valves and cocks comprising the boiler mounting shall be opened up and taken apart and the valves and cocks ground, when necessary, before the inspector's visit.

Provision shall be made for the removal of lagging or brickwork or other concealing part and for the drilling of plates, if required by the Inspector, and for verifying the pressure gauge and safety valve, dimensions and weights. All smoke tubes, exterior of water tubes, smoke boxes, and external flues must be swept clean.

Provision shall be made for the effective disconnection of all steam and hot water communication with any other boilers under steam, as prescribed in Chapter X of the regulations. This shall be effected either by the removal of a length of pipe from the steam and feed piping or by the insertion of substantial blank flanges. Where blank flanges are employed they shall be inserted between the flanges of the chest and the pipe attached to it. No blank flange shall be inserted between a safety valve chest and the boiler.

NOTE.—These provisions as to effective disconnection shall extend to every case wherein a person is sent, or with the assent of the owner or person in charge goes, into a boiler for any purpose. See Chapter X of the Regulations.

(b) *Preparation for Hydraulic Test.*—The chest of all mountings subject to steam pressure shall be in place and shut tight or blank flanged. The safety

valves shall be removed and the chest opening blank flanged. The attachment\* for the Inspector's pressure gauge and the nipple for connecting the Inspector's test pump hose shall be in order. All doors shall be properly jointed and tightened up. The boiler shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the boiler shall be taken before the Inspector's visit to test the tightness of the joints. When a boiler hydraulically tested for the first time, it shall be entirely cleared of lagging or brickwork; at subsequent tests the lagging or brickwork or portions thereof shall be removed if required by the Inspector.

NOTE.—The last certificate for the boiler shall be shown to the Inspector.

\*Tapped 3/4" with worth bolt and nut thread.

†Tapped 3/4" with worth bolt and nut thread.

#### FORM D

(See Rule 21)

1. Date and place of accident.
2. Date of report of the accident to the Inspector.
3. Name and address of the owners.
4. Persons killed or injured.
5. Description and nature of injury caused to persons killed or injured.
6. Description and principal dimensions of the boiler.
7. Name of maker and age of boiler.
8. Particulars and date of repairs carried out to the boiler since registration.
9. The date on which the boiler was last inspected, and remarks, if any, made by the Inspector.
10. Nature of the accident.
11. Cause of the accident.
12. General remarks, if any.

[No. 58/1/51-ANL-1957.]

S. SRINIVASAN, Under Secy.

#### PRESIDENT'S SECRETARIAT

(Office of the Military Secretary to the President)

New Delhi, the 23rd December 1957

**S.R.O. 18.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following amendments shall be made in the Schedule to the notification of the Government of India in the Office of the Military Secretary to the President No. S.R.O. 611 dated the 28th February, 1957, namely:—

In Part I of the said Schedule, under the heading "Office of the Military Secretary to the President" after "Supervisor, President's Household" and the entries relating thereto, the following shall be inserted, namely—

(1)	(2)	(3)
Assistant Stenographer	Military Secretary to the President	Military Secretary to the President
		All

[No. 63/AE/13.]  
B. CHATTERJEE, Under Secy

## MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 23rd December 1957

**S.R.O. 19.**—In exercise of the powers conferred by the proviso to rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the powers to make temporary appointments not exceeding one year to Central Civil posts Class I in the Naga Hills—Tuensang Area shall be exercised by the Governor of Assam.

[No. D. 6999-NEFA/57(i).]

**S.R.O. 20.**—In exercise of the powers conferred by the Proviso to Article 309 of the Constitution, the President is pleased to direct that the power to make rules regulating the recruitment to the Central Civil Posts class IV in the Naga Hills—Tuensang Area shall be exercised by the Deputy Commissioner or Additional Deputy Commissioner.

[No. D. 6999-NEFA/57(ii).]

**S.R.O. 21.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that—

- (1) In respect of the posts in the General Central Service, Class II, specified in column 1 of Part I of the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authority specified in column 3 shall be the Disciplinary Authority in regard to the penalties specified in column 4.
- (2) In respect of the posts in the General Central Service, Class III and the General Central Service, Class IV, specified in column 1 of Parts II and III of the said Schedule, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

## PART I.—GENERAL, CENTRAL SERVICE, CLASS II

Description of Post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)	Penalties Authority

## MINISTRY OF EXTERNAL AFFAIRS

*Naga Hills—Tuensang Area*  
All posts . . . . .

President . . . . . President . . . . All

*Temporary appointment not exceeding one year.*  
Governor . . . . . Governor . . . . All

*Temporary appointment not exceeding six months.*  
Commissioner . . . . . Commissioner . . All

## PART II.—GENERAL CENTRAL SERVICE, CLASS III.

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate authority
		Authority	Penalties	
I	2	3	4	5
<b>MINISTRY OF EXTERNAL AFFAIRS</b>				
<i>Naga Hills—Tuensang Area</i>				
All posts	Commissioner	Commissioner	All	Governor
<i>Temporary appointment not exceeding one year.</i>	Deputy Commissioner/Additional Deputy Commissioner.	Deputy Commissioner/Additional Deputy Commissioner.	(i) to (iii)	Commissioner
Deputy Commissioner/Additional Deputy Commissioner.	Deputy Commissioner/Additional Deputy Commissioner.	Deputy Commissioner/Additional Deputy Commissioner.	All	Commissioner
	Assistant Commissioner/Grades I and II	Assistant Commissioner/Grades I and II	(i) to (iii)	Commissioner
	Sub-Divisional Officer.	Sub-Divisional Officer.		

## PART III.—GENERAL CENTRAL SERVICE, CLASS IV.

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate Authority
		Authority	Penalties	
I	2	3	4	5
<b>MINISTRY OF EXTERNAL AFFAIRS</b>				
<i>Naga Hills—Tuensang Area</i>				
All posts	Deputy Commissioner/Additional Deputy Commissioner.	Deputy Commissioner/Additional Deputy Commissioner.	All	Commissioner.
<i>Temporary appointment not exceeding one year.</i>	Assistant Commissioner/Grades I and II	Assistant Commissioner/Grades I and II.	(i) to (iii)	Deputy Commissioner/Additional Deputy Commissioner
	Sub-Divisional Officer.	Sub-Divisional Officer.		
	<i>Temporary appointment not exceeding one year.</i>			
Assistant Commissioner/Grades I and II Sub-Divisional Officer.	Assistant Commissioner/Grades I and II Sub-Divisional Officer.	All		Deputy Commissioner/Additional Deputy Commissioner.

[No. D. 699-NEFA/57(III).]

G. S. PURI, Dy. Secy.

New Delhi, the 26th December 1957

**S.R.O. 22.**—In exercise of the powers conferred by Clause (b) of Sub-Section (2) of Section 3 of the Special Marriage Act, 1954 (43 of 1954), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of External Affairs No. S.R.O. 3449(SMA-53), dated the 20th October, 1955, namely:—

In the Table below the said notification—

- (i) in the entry relating to "France and Norway" in column 1, the words "and Norway" shall be omitted;
- (ii) after the entry relating to Netherlands, the following entry shall be inserted, namely:—  
"Norway"—Ambassador, Embassy of India Oslo (Norway).  
"Norway"—Second Secretary, Embassy of India Oslo (Norway).

[No. 59-Cons/57.]

N. V. AGATE, Under Secy.

### MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 24th December 1957

**S.R.O. 23.**—In exercise of the powers conferred by section 27 of the Foreign Exchange Regulation Act, 1947 (Act 7 of 1947), the Central Government hereby makes the following rules to govern the procedure to be followed in respect of adjudication proceedings and appeals under the said Act, namely:—

### THE ADJUDICATION PROCEEDINGS AND APPEAL RULES, 1957

1. **Short title.**—These rules may be called the Adjudication Proceedings and Appeal Rules, 1957.

2. **Definitions.**—In these rules,—

- (a) "Act" means the Foreign Exchange Regulation Act, 1947 (7 of 1947);
- (b) "Director" means the Director of Enforcement appointed under the Act.

3. **Adjudication proceedings.**—(1) In holding an inquiry under sub-section (1) of section 23D of the Act for the purpose of adjudging under clause (a) of sub-section (1) of section 23 whether any person has committed contravention, the Director shall, in the first instance, issue a notice to such person requiring him to show cause within such period as may be specified in the notice (being not less than ten days from the date of service thereof) why adjudication proceedings should not be held against him.

(2) Every notice under sub-rule (1) to any such person shall indicate the nature of the offence alleged to have been committed by him.

(3) If after considering the cause, if any, shown by such person, the Director is of opinion that adjudication proceedings should be held, he shall fix a date for the appearance of that person either personally or through his lawyer or other authorised representative.

(4) On the date fixed, the Director shall explain to the person proceeded against or his lawyer or authorised representative, the offence alleged to have been committed by such person indicating the provisions of the Act or of the rules, directions or orders made thereunder in respect of which contravention is alleged to have taken place.

(5) The Director shall then give an opportunity to such person to produce such documents or evidence as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date; and in taking such evidence the Director shall not be bound to observe the provisions of the Indian Evidence Act, 1872 (1 of 1872).

(6) If any person fails, neglects or refuses to appear before the Director on any date fixed by the Director under this rule, the Director may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(7) If, upon consideration of the evidence produced before the Director, the Director is satisfied that the person has committed the contravention, he may, by order in writing impose such penalty as he thinks fit in accordance with the provisions of clause (a) of sub-section (1) of section 23.

**4. Contents of the order of the Director.**—(1) Every order under sub-rule (7) of rule 3 shall specify the provisions of the Act or of the rules, directions or orders made thereunder in respect of which contravention has taken place and shall contain brief reasons for such decisions.

(2) Every such order shall be dated and signed by the Director.

**5. Copy of the order.**—(1) A copy of the order made under sub-rule (7) of rule 3 shall be supplied free of charge to the person against whom the order is made and all other copies of proceedings shall be supplied to him on payment of copying fee calculated according to the scale prevailing in the State in which the office of the Director of Enforcement is situated. The copying fee shall be paid in cash.

(2) Every copy of such order shall bear the following particulars, namely:—

- (a) that the copy is supplied free of charge for the use of the person to whom it is issued;
- (b) that an appeal lies against the order to the Appellate Board under section 23E within thirty days of the date of the order.

**6. Form of Appeal.**—(1) Every appeal presented to the Appellate Board under section 23E of the Act shall be in the form of a memorandum signed by the appellant and the memorandum shall be accompanied by a copy of the order appealed against.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the order appealed against without any arguments or narrative and such grounds shall be numbered consecutively.

**7. Procedure before Appellate Board.**—(1) On receipt of an appeal under rule 6, and a report from the Director, the Board may fix a date for the hearing of the appeal.

(2) On the date fixed for the hearing of the appeal, the appellant shall be heard in support of the appeal.

(3) Where on the date fixed or any other day to which the hearing of the appeal may be adjourned, the appellant fails to appear when the appeal is called on for hearing, the Appellate Board may decide the appeal on the perusal of the records of the case.

**8. Contents of the order in appeal.**—The order of the Appellate Board shall be in writing and shall state briefly the grounds for the decision. The order shall be signed by the member of the Appellate Board.

**9. Computation of period of limitation.**—In computing the period of limitation prescribed for appeal under section 23E, the period between the date on which the order is made by the Director and the date on which it is despatched to the party concerned shall be excluded.

**10. Representation of party.**—Any person who has been proceeded against under section 23 may appoint a pleader, advocate or any other person to appear and plead and act on his behalf before the Director or the Appellate Board in any inquiry or appeal under the Act.

**11. Service of notice.**—A notice issued under these rules shall be served on any person in the following manner, that is to say,

- (a) by delivering or tendering the notice to that person or his duly authorised agent; or
- (b) by sending the notice to him by registered post with acknowledgment due to the address of his place of residence or his last known place of residence or the place where he carries on, or last carried on, business or personally works, or last worked, for gain; or
- (c) if the notice cannot be served under clause (a) or clause (b), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided, or carried on business or personally works or last worked for gain and the written report thereof should be witnessed by two persons.

**12. Savings.**—Nothing in these rules shall be considered as preventing the Director from making a complaint in writing to the Court under the proviso to sub-section (1) of section 23D of the Act instead of imposing any penalty himself.

[No. 1(5)-EFVII/57.]

A. C. BANERJEE, Dy. Secy.

**(Department of Economic Affairs)**

*New Delhi, the 26th December 1957*

**S.R.O. 24.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not for the period ending with the 31st December 1958, apply to the Bank of Jaipur Ltd. in respect of the shares of the Howrah Soap Co. Ltd., and the J.K. Eastern Industries Ltd., held by it on the 28th October, 1955.

[No. 4(183)-F.I/57.]

R. K. SESHADRI, Dy. Secy.

**(Department of Economic Affairs)**

**ORDER**

*New Delhi, the 30th December 1957*

**S.R.O. 25.**—In exercise of the powers conferred by sub-section (1), of section 7 of the Central Sales Tax Act, 1956 (74 of 1956), and in partial modification of the order of the Ministry of Finance (Department of Economic Affairs) S.R.O. No. 2077, dated the 22nd June, 1957, the Central Government hereby specifies the persons mentioned in column 3 of the Schedule hereto as the authorities to whom the dealers in the various Districts in the Union Territory of Himachal Pradesh described in the corresponding entry in column 2 of the said Schedule shall make application for registration under the said section:

**SCHEDULE**

Sl. No.	Description of dealer	Description of authority
(1)	(2)	(3)
1. Dealers having a single place of business or more than one place of business in the District of—		
(i)	Sirmur	Collector, Sirmur
(ii)	Mahasu	Collector, Mahasu
(iii)	Bilaspur	Collector, Bilaspur
(iv)	Mandi	Collector, Mandi
(v)	Chamba	Collector, Chamba
2. Dealers having no fixed place of business in any of the Districts named in item (1) above.		Chief Secretary, Himachal Pradesh Administration.

[No. F. 9(56)-ST/57.]

M. K. VENKATACHALAM, Dy. Secy.

**(Department of Company Law Administration)**

**COMPANY LAW**

*New Delhi, the 23rd December 1957*

**S.R.O. 26.**—In exercise of the powers conferred by sub-section (1) of section 641 of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following alterations in Part I of Schedule V to the said Act, namely:—

For sub-clauses (a) and (b) of clause 5 in the said Part, the following shall be substituted, namely:—

“(a) containing the names, addresses, descriptions and occupations, if any, of all persons who, on the day of the company's last annual general meeting, are members or debenture holders of the company and of

persons who have ceased to be members or debenture holders on or before that day and since the date referred to in sub-clause (h) of clause 3, or, in the case of the first return, since the incorporation of the company;

(b) stating the number of shares or debentures held by each of the existing members or debenture holders, as the case may be, at the date referred to in sub-clause (b) of clause 3, specifying shares or debentures transferred since the date referred to in sub-clause (h) of clause 3, (or, in the case of the first return, since the incorporation of the company) by persons who are still members or debenture holders and by persons who have ceased to be members or debenture holders, and the dates of registration of the transfers;".

[File No. 8/159/56-PR.]

F. N. SANYAL, Under Secy.

**(Department of Company Law Administration)**

*New Delhi, the 27th December 1957*

**S.R.O. 27.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 448 of the Companies Act, 1956 (I of 1956), the Central Government hereby appoints until further orders, Shri Narsingh Dass Gupta, acting Registrar of the Judicial Commissioner's Court, Himachal Pradesh, Simla to be the *ex-officio* official liquidator attached to that court for the period 2nd December, 1957 to 29th December, 1957 vice Shri H. L. Soni.

[No. 2(27)-CL.III/56.]

**S.R.O. 28.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 448 of the Companies Act, 1956 (I of 1956), the Central Government hereby appoints until further orders, Shri Chet Ram acting Registrar of the Judicial Commissioner's Court, Himachal Pradesh, Simla, to be the *ex-officio* official liquidator attached to that Court for the period 30th December, 1957 to 31st March, 1958 vice Shri Narsingh Dass Gupta.

[No. 2(27)-CL.III/56.]

P. B. SAHARYA, Under Secy.

**(Department of Revenue)**

**CUSTOMS**

*New Delhi, the 27th December 1957*

**S.R.O. 29.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (8 of 1878), (hereinafter referred to as the said Act) as in force in India and as applied to the State of Pondicherry, the Central Government hereby exempts from the whole of customs duty personal and household effects not covered by any exemption allowed under rules made under section 75 of the said Act, and excluding motor cars, motor cycles or other motor vehicles, arms and ammunition, cinematograph films of standard width and consumable stores, when imported by or on behalf of a person on a bona fide transfer of residence to India or the State of Pondicherry after continuous residence abroad for a period of not less than three years, provided that—

- (a) the goods are duly declared and produced to the Customs officer at the port of importation and are covered by a duly certified declaration of ownership and use abroad in the form set out in the Appendix to this notification, and
- (b) the Customs Collector is satisfied that the goods have been in the owner's possession and use for not less than one year and that they are being imported by the owner for his (or her) personal or domestic use and not for sale, and
- (c) the goods are imported within the time limits fixed under the Baggage Rules made under section 75 of the said Act.

## APPENDIX

## Form of Declaration

Owner's Declaration in respect of personal or household effects liable to any duty and not exempted under the Baggage Rules.

NOTE.—The owner of the effects to which this declaration relates should carefully read the information on the back of this form before completing the declaration.

## PORT OF

I hereby declare that the undermentioned articles are my personal (and household) effects and that—

- (a) they have been in my possession and use for not less than one year,
- (b) they are intended solely for my own wear or use and are not intended to be given to any other person or sold,
- (c) I have resided continuously out of India since (give date), and
- (d) I have arrived in India (the State of Pondicherry) on a *bona fide* transfer of residence with the intention of staying in India or the said State for at least a period of one year reckoned from the date of my arrival in India (the said State).

No. or quantity and description of articles.

Date and place of purchase and cost of articles.

Declared before me this day ..... of 19.....

Signature of Owner

Address.....

Full name of Owner.

Signature and rank or qualification of witness.

Date.

(The following to be printed on the back of the form)

(See note 3 below)

1. Under Section 167(37)(b) of the Sea Customs Act of 1878 (8 of 1878), heavy penalties are involved for making false declarations or falsely answering questions.

2. For the purpose of this declaration the following definitions are given:—  
Personal effects—articles ordinarily required by a passenger for his private use.

Household effects—furniture and articles of domestic use, imported by a householder when transferring his residence from abroad to this country; not including motor cars or motor cycles, arms or consumable stores.

3. In the case of effects accompanied by the owner the declaration must be made before an Officer of Customs. Where the effects are not accompanied by the owner the declaration may be made before a Justice of the Peace or Magistrate.

In cases where effects are to be transferred to India or the State of Pondicherry in advance of the owner's arrival, the declaration may be made before a Customs Officer in any part of India or the said State or before an Indian Consular Officer in any foreign country.

**S.R.O. 30.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Finance Department (Central Revenues) No. 33-Customs, dated the 22nd June, 1935, as amended from time to time, namely:—

The entry at serial number 54A of Schedule I to the said notification and Appendix A to that Schedule shall be omitted.

[No. 323.]

*New Delhi, the 4th January 1958*

**S.R.O. 31.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Finance Department (Central Revenues) No. 1-Customs, dated the 9th March, 1946, namely:—

In the Schedule to the said notification, the following entry shall be omitted, namely:—

“13 Carbon black for the manufacture of printing ink and black paint.	The whole”
--	---------------

[No. 1.]

**S.R.O. 32.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, and in supersession of the notification of the Government of India in the Ministry of Finance (Revenue Division), No. 66-Customs, dated the 10th July, 1954, the Central Government hereby exempts lamp black and carbon black, being articles falling under item 87 of the First Schedule to the Indian Tariff Act, 1934 (32 of 1934), when imported into India or the State of Pondicherry for the manufacture of printing ink or black paint, from the whole of the duty of customs leviable thereon under the second mentioned Act:

Provided that in respect of any consignment of lamp black or carbon black imported under cover of a claim for exemption from duty in pursuance of the provisions hereof, the importer shall—

either execute a bond in such form as may be prescribed by the Customs-Collector binding himself, in a sum, equal to the amount of duty ordinarily leviable on such goods, to pay, on demand, the duty leviable on such quantity of lamp black or carbon black as is not proved to the satisfaction of the Customs-Collector to have been used in the manufacture of printing ink or black paint,

or, if the Customs-Collector so directs, deposit with the Customs-Collector a sum equal to the amount of duty leviable on such goods pending production of proof, to the satisfaction of the Customs-Collector, that the goods have been used in the manufacture of printing ink or black paint; on production, within such period as the Customs-Collector may prescribe, of such proof, the Customs-Collector shall cause the amount of the deposit to be refunded to the importer.

[No. 2.]

M. A. RANGASWAMY, Dy. Secy.

**(Department of Revenue)**

**CENTRAL EXCISES**

*New Delhi, the 4th January 1958*

**S.R.O. 33.**—In exercise of the powers conferred by rule 12 of the Central Excise Rules, 1944, the Central Government hereby makes the following further

amendments in the notification of the Government of India, Ministry of Finance (Revenue Division) No. 10-Central Excises, dated the 5th April 1949, namely:—

In the Table annexed to the said notification, in column 4 against Serial No. 9—

- (i) for the entry "Four rupees per ton", the entry "Rs. 40.00 per ton" shall be substituted;
- (ii) for the entry "Five and one third rupees per ton", the entry "Rs. 53.35 per ton" shall be substituted; and
- (iii) for the entry "Six rupees per ton", the entry "Rs. 60.00 per ton" shall be substituted.

[No 1/58.]

**S.R.O. 34.**—In exercise of the powers conferred by rule 12 of the Central Excise Rules, 1944, as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Revenue Division) No. 45-Central Excises, dated the 1st November 1954, namely:—

In the Table annexed to the said notification, in column 4 against Serial No. 9—

- (i) for the entry "Four rupees per ton", the entry "Rs. 40.00 per ton" shall be substituted;
- (ii) for the entry "Five and one third rupees per ton", the entry "Rs. 53.35 per ton" shall be substituted; and
- (iii) for the entry "Six rupees per ton", the entry "Rs. 60.00 per ton" shall be substituted.

[No. 2/58.]

L. S. MARTHANDAM, Under Secy.

**(Department of Revenue)**

*New Delhi, the 4th January 1958*

**S.R.O. 35.**—In exercise of the powers conferred by sub-section (2C) of section 10 of the Indian Income-tax Act, 1922 (11 of 1922) and in supersession of the rules published with the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. S.R.O. 2110, dated the 29th June, 1957, the Central Government hereby makes the following rules, namely:—

1. These rules may be called the "Income-tax Allowances (Current Profits Deposit) Rules, 1957".

**DEFINITIONS**

2. In these Rules,—

(1) "Act" means the Indian Income-tax Act, 1922 (11 of 1922);  
 (2) "approved purpose" means any purpose which involves the utilisation of the financial resources of a company for—

- (i) capital expenditure for the construction, erection or acquisition, by way of replacement or otherwise, of buildings, land, plant, machinery and other fixed assets required for the purpose of the existing business of the company;
- (ii) repayment of moneys borrowed by the company on the security of its fixed assets for the purpose of carrying on such business;
- (iii) and includes any other purpose including repayment of borrowings other than those referred to in (ii) aforesaid, the application of the financial resources of a company on which is, in the opinion of the Commissioner of Income-tax or Board of Referees, having regard to the nature of the company's business (and such other circumstances as he or the Board of Referees may consider relevant), justified.

Provided that where the total income of a company includes any income which arises outside India, in a country the laws of which prohibit or restrict the remittance of money to India, such income (as reduced by the amount of tax payable

thereon in that country) shall, to the extent it cannot be brought to India by reason of such prohibition or restriction, be regarded as having been utilised on an approved purpose;

(3) "Bank" means the Reserve Bank of India and includes its agencies carrying on agency business on behalf of the Reserve Bank of India;

(4) "Board of Referees" means the Board of Referees appointed under rule 17;

(5) "current profits deposit" or 'deposit' means the deposit which a company has to make with the Central Government under sub-section (2B) of section 10 of the Act at a percentage of the amount by which the statutory surplus, as hereininafter defined, exceeds the sum of rupees one lakh;

(6) "due date" with reference to deposit means the 30th day of June of the assessment year relevant to the previous year or the date of expiry of a period of six months from the end of the said previous year, whichever is later;

(7) "Form" means a Form appended to these Rules;

(8) "statutory surplus" means the aggregate of the following amounts, namely,--

- (a) the total income of the company for the previous year, as reduced by the amount of income-tax and super-tax payable in respect thereof (the total income and tax being computed by the assessee for this purpose) and by the dividends, if any, declared or deemed to be declared in India, during the previous year; and
- (b) the sum of the allowances claimed by the company under clauses (vi), (vi-a), (vi-b) or (vii) of sub-section (2) of section 10 of the Act.

#### COMPUTATION OF THE DEPOSIT IN CERTAIN CASES

3. For the purpose of determining the current profits deposit in the case of a company incorporated outside India, the dividends deemed to be declared in India during any previous year shall be—

- (a) if the company is resident, the dividends, if any, declared by it at the place of its incorporation, during the previous year, and
- (b) if the company is non-resident, the amount, if any, which the company has, with the permission of the Reserve Bank of India, remitted outside India during the previous year out of its income, profits and gains in India.

4. Where any portion of the profits and gains of a company is not included in its total income by reason of such portion being exempt from tax under any provision of the Act, the amount of the dividends declared or deemed to be declared in India during the previous year shall, for the purpose of determining the current profits deposit, be deemed to be such proportion thereof as the total income of the company for the previous year bears to its total profits and gains for that year reduced by such allowances as may be admissible under the Act which have not been taken into account by the company in its profit and loss account for that year.

#### PROCEDURE FOR MAKING THE DEPOSIT

5. The deposit shall be made by the company on or before the due date without any notice or requirement therefor from the Income-tax Officer who shall make available to the company on request the requisite number of challans to enable it to make the deposit.

6. The amount to be deposited shall be calculated in whole units of rupees fractions of a rupee being ignored.

7. The amount shall be deposited with the Bank who will credit it to the Government account under the head of account:

P. Deposits and Advances—B. Other Deposits Accounts—Other Deposits—Deposits under the Income-tax Allowances (Current Profits Deposit) Rules, 1957.

8. The company shall within fifteen days of making a deposit, furnish to the Income-tax Officer a statement in Form A showing the basis on which it computed the amount of the deposit and a receipt from the Bank for the amount deposited.

9. If it so desires, a company may, in lieu of making a deposit of money in the Bank, deposit Government securities of the requisite market value with the Bank, which shall hold such securities in its custody, and the provisions of these rules relating to refunds shall apply to the return of such securities as they apply to refund of deposits. No interest shall be payable by the Government on the securities deposited under these rules except, the interest due on the securities according to the terms of their issue which will be periodically realised and paid by the Bank after deduction of the usual collection charges.

10. (1) Where the sum of the amounts, if any, actually deposited and deemed under rule 11(2) to have been deposited by a company is less than the amount found due to be deposited on the basis of the total income as computed by the Income-tax Officer for purposes of an assessment under section 23, the Income-tax Officer may direct the company to deposit within 30 days of receipt of his direction, an amount equal to such deficiency, together with interest thereon at 6 per cent. for the period commencing on the due date and ending with the date on which such additional deposit is made:

Provided that where the company has made a representation under sub-rule (1) of Rule 11 and as a consequence the amount actually utilised or required to be utilised on approved purposes determined under sub-rule (2) or sub-rule (4) of the said rule is equal to or exceeds the statutory surplus as computed by the Income-tax Officer, there shall be no direction from the Income-tax Officer for an additional deposit under this sub-rule.

(2) Notwithstanding that the period allowed in sub-rule (1) for making the additional deposit has not expired, the Income-tax Officer may complete the assessment of the company for the relevant year as if no deposit has been made or is deemed to have been made on the due date under sub-section (2B) of section 10 of the Act:

Provided that in such a case the collection of that portion of the tax as is attributable to the sum of the allowances under clauses (vi), (via), (vib) and (vii) of sub-section (2) of the said section 10 which have been disallowed as aforesaid in computing the total income, shall be deferred till the expiry of the period given for making the additional deposit; and if such additional deposit is made within the period allowed, the assessment shall be rectified by reducing the total income by the amount of allowances aforesaid.

(3) Where the amount of deficiency mentioned in sub-rule (1) together with interest thereon calculated as aforesaid is not deposited by the company within the period allowed, the company shall be deemed not to have made any deposit under sub-section (2B) of section 10 for the relevant year, and thereupon the Income-tax Officer shall issue an intimation to that effect to the Board of Referees, and the Board of Referees shall issue to the Bank an order for refund of the amount, if any, deposited by the company for that year, and such amount shall not carry any interest.

11. (1) Where a company having utilised on purposes mentioned in clauses (i) and (ii) of sub-rule (2) of rule 2 of the whole or a substantial portion of its moneys represented by reserves and accumulated profits and any finances otherwise available to it—

- (a) has also utilised on such aforesaid purposes; or
- (b) requires for application before the due date on such aforesaid purpose or on a purpose which it requires to be declared as an approved purpose within the meaning of clause (iii) of sub-rule (2) of rule 2,

the whole or a part of the moneys attributable to the statutory surplus relating to that previous year and in consequence thereof finds that the balance of the moneys attributable to the statutory surplus is or will be insufficient to make the full amount of the current profits deposit due for that year, it may before the 15th of April, following the previous year or within three months from the end of the previous year, whichever is later, make a representation in Form B to the Commissioner of Income-tax, in that behalf, furnishing therein adequate proof to establish the facts aforesaid:

(2) The Commissioner of Income-tax shall consider the representation made by the company under sub-rule (1), and after making such enquiries or calling for such information from the company as he may consider relevant, he shall—

- (i) determine, where necessary, the total amount of moneys which have been utilised or are required to be utilised on approved purposes;

- (ii) determine the portion of the moneys attributable to the statutory surplus which have been so utilised or required to be utilised;
- (iii) determine the balance of the moneys attributable to the statutory surplus which remains after excluding therefrom the portion mentioned in (ii);
- (iv) determine the amount by which the balance mentioned in (iii) falls short of the current profits deposit; and
- (v) direct that the amount mentioned in (iv) shall be deemed to have been deposited by the company on the due date and refunded to it on the same date.

(3) Where under sub-rule (2) the Commissioner of Income-tax does not allow the company's representation in full, he shall, within ten days of his making the order under sub-rule (2), transmit to the Board of Referees the company's representation together with all the relevant documents on which he bases his decision.

(4) On receipt of the papers transmitted to them under sub-rule (3) the Board of Referees may, after making such enquiries or calling for such information from the company or the Commissioner of Income-tax as they consider necessary and after giving an opportunity to the company of being heard in the matter, pass such orders thereon as they think fit and the provisions of clauses (i) to (v) of sub-rule (2) shall apply to the decision of the Board of Referees as they apply to the decision of the Commissioner of Income-tax.

(5) Notwithstanding that a representation made to the Commissioner of Income-tax under sub-rule (1) is pending, or that a direction has been made by the Commissioner of Income-tax under sub-rule (2), or that an order has been passed by the Board of Referees under sub-rule (4), the company shall not be exempted from the consequences of not making the full amount of deposit due under sub-section (2B) of section 10 of the Act—

(a) unless—

- (i) the balance of moneys attributable to the statutory surplus not utilised nor required for application on 'approved purposes' according to the computation of the company under sub-rule (1), plus
- (ii) the portion not exceeding the excess of the current profits deposit over the amount referred to in (i) of the moneys required by it for application on the purposes referred to in clause (b) of sub-rule (1) which are not so applied before the 30th day of June following the previous year or the expiry of six months from the end of the previous year as the case may be,

are actually deposited with the Bank in accordance with the provisions of rule 5; and

- (b) unless the amount by which that part of the current profits deposit which under sub-rule (4) is not deemed by the Board of Referees to have been deposited by the company exceeds the amount specified in clause (a) above, is actually deposited with the Bank on or before the due date or within 15 days of receipt by the company of the order of the Board of Referees under sub-rule (4), whichever is later.

12. Where two or more companies amalgamate, the amounts deposited by them shall be treated as having been deposited by the new amalgamated concern.

#### INTEREST

13. Except as otherwise provided in these rules, any amount deposited shall carry simple interest at the rate which may be notified by the Central Government for each financial year. The interest shall be allowed from the day commencing next after the date on which the deposit is actually made; and such interest shall be computed on the basis of daily balances and paid by the Bank as on 31st March and 30th September by debit to the head of account:

22. Interest on Debt and Other obligations—C. Interest on other obligations—Interest on Deposits under the Income-tax Allowances (Current Profits Deposit) Rules, 1957.

#### REFUNDS

14. If at any time the company requires the whole or part of the deposit already made for carrying out any of the purposes referred to in clauses (i) and (ii) of sub-rule (2) of rule 2 or any purpose which it requires to be declared

as an approved purpose within the meaning of clause (iii) of that sub-rule, it may apply to the Board of Referees in Form 'C' for a refund of such amount, or the return of such securities as are required by it for carrying out the said purposes, and if the Board of Referees is satisfied that the said requirement cannot be met out of the available resources of the company, they may issue an order of refund on the Bank authorising it to refund such amount and to return such securities as the Board considers necessary in the circumstances of the case. The amount refunded shall be debited to the head of account:

"P. Deposits and Advances—B. Other Deposits Accounts—Other Deposits—Deposits under the Income-tax Allowances (Current Profits Deposits) Rules, 1957.

15. Where the total income of a company determined by the Income-tax Officer in the assessment made by him under section 23 of the Act is finally reduced as a result of any other proceedings under the Act, and the deposit originally made by the company exceeds the amount of the current profits deposit calculated with reference to the total income as so reduced finally, and the amount of deposit actually held by the Bank exceeds the current profits deposit so calculated, the Income-tax Officer shall, on an application being made in this behalf by the company in Form 'D', determine the amount of such excess and communicate it to the Board of Referees who shall issue to the Bank an order for the refund to the company of such excess.

16. Any amount deposited by a company under sub-section (2B) of section 10 of the Act, shall, to the extent it has not been previously refunded under these rules, be refunded to it on the 1st day of April, 1966 or on such later date as may be notified by the Central Government.

#### BOARD OF REFEREES

17. The Central Government shall appoint a Board of Referees consisting of as many members (one of whom shall be designated as the Chairman) as the said Government may appoint from time to time for performing the duties allotted to them under these Rules.

18. The Board of Referees shall work under the general control of the Central Government.

#### MISCELLANEOUS

19. No appeal shall lie against an order of the Board of Referees passed under sub-rule (4) of rule 11 or rule 14, which shall be final as respects the matters concluded by it.

#### FORM 'A'

(See Rule 8)

*Statement made to the Income-tax Officer under rule 8 of the Income-tax Allowances (Current Profits Deposits) Rules, 1957, showing the Company's computation of the Current Profit Deposit under Sub-section (2B) of Section 10 of the Indian Income-tax Act 1922.*

Name of Company .....  
Registered Office .....

The Current Profit Deposit made by the Company in respect of the year ended 31st March is as follows:—

1. Net Profit of the Company according to its Profit and Loss Account for the previous year ended.....

Rs.

2. Adjustment to above to arrive at the total income of the Company for income-tax purposes—

..... Rs.  
..... Rs.  
..... Rs.  
..... Rs.

Rs.

	Rs.
3. Total income for income-tax purposes.	
4. Add allowances under section 10(2)(vii), (viii), (vib) and (viii) of the Income-tax Act, deducted in arriving at the total income above	Rs.
5. Total of 3 and 4	Rs.
6. Deductions under section 10(2B):	
(a) Total dividends declared or deemed to be declared in India during the previous year	Rs.
(b) Income-tax and Super-tax payable by the Company on the total income—	
Income-tax	Rs.
Surcharge	Rs.
Corporation tax less rebate	Rs.
7. Excess of 5 over 6	Rs.
Less	Rs. 1,00,000
Balance	Rs.
8. Amount to be deposited at.....%	Rs.
on Rs. .....	
9. Amount deposited on ..... (date)	Rs.
10. Difference, if any, for which exemption is separately claimed or obtained (enclose copy of application under Rule 11(1) if any)	Rs.

Place..... Signature.....  
Date..... for..... Ltd.

To  
The Income-tax Officer,  
.....

### FORM 'B'

[See Rule 11(1)]

*Application under sub-rule (1) of Rule 11 of the Income-tax Allowances (Current Profits Deposit) Rules, 1957 for declaring that a company made a deficit under sub-section (2E) of section 10 of the Indian Income-tax Act, 1922*

To  
The Commissioner of Income-tax  
.....

1. We..... Limited, having our registered office at..... do hereby declare:—

- that according to our calculations, the statutory surplus of the company computed under the aforesaid rules is Rs.....; (vide statement 1 enclosed herewith).
- that the company will be required to make a deposit with the Government of India under sub-section (2E) of section 10 of the Income-tax Act, 1922, for the year ending on the 31st March..... of a sum of rupees..... against the current profits of the year ending on..... vide Statement No. 2 enclosed herewith.
- that, on the date of this application, the total amount of moneys which have been utilised or are required to be utilised by the company for carrying out approved purposes is Rs..... vide statement No. 3, Item 1.
- that the portion out of (iii) which is attributable to the statutory surplus is Rs..... vide Statement No. 3 item 3.

(v) that the balance of the moneys attributable to the statutory surplus which remains after excluding the refund the portion mentioned in clause (iv) is Rs.  
 (vi) that the amount by which the balance mentioned in clause (v) falls short of the deposit required to be made by the company clause (ii) is Rs.

2. We, therefore pray that under sub-rule (1) of Rule 11 of the Income-tax Allowances (Current Profits Deposit) Rules, 1957, the Commissioner of Income-tax may direct that it shall be deemed that the company has deposited on . . . . . for the year ending on 31st March . . . . . a sum of rupees . . . . . against the current profits, and that refund of like amount has been granted to the company on the same date.

Place . . . . .  
 Date . . . . .

Signature

for . . . . . Ltd. . . .

#### STATEMENT NO. 1

##### *Computation of the Statutory surplus of the Company.*

1. Net profit of the Company according to its profit and loss account for the previous year ended . . . . .	Rs.
2. Adjustments to above to arrive at the total income of the Company for income-tax purposes . . . . .	Rs. Rs. Rs.
3. Total income for income-tax purposes . . . . .	Rs.
4. Add allowances under Section 10(2)(vi), (vii) and (viii) of the Income tax Act, deducted in arriving at the total income . . . . .	Rs.
5. Total of 3 and 4 . . . . .	Rs.
6. Deductions under Section 10(2B)	
(a) Total dividends declared or deemed to be declared in India during the previous year . . . . .	Rs.
(b) Income-tax and Super-tax payable by the Company on the total income— Income-tax . . . . . Surcharge . . . . . Corporation tax, less rebate . . . . .	Rs. Rs. Rs.
7. Excess of 5 over 6, representing the statutory surplus . . . . .	Rs.

(Place) . . . . .  
 (Date) . . . . .

Signature . . . . .  
 for . . . . . Ltd.

#### STATEMENT NO. 2

##### *Computation of the Current Profits Deposit*

1. Statutory surplus as per Statement No. 1 . . . . .	Rs.
Less . . . . .	Rs. 1,00,000
Balance . . . . .	Rs.
2. Amount required to be deposited at . . . % on Rs. . . . .	Rs.

(Place) . . . . .  
 (Date) . . . . .

Signature . . . . .  
 for . . . . . Ltd.

## STATEMENT NO. 3

## 1. The Company's total requirements for approved purposes :

(i) Amount already utilised since commencement of the previous year and upto the date of application on purposes mentioned at clauses (i) and (ii) of sub-rule (2) of Rule 2. (Details furnished separately). Rs.

(ii) Amount further required to be utilised before the due date on such aforesaid purpose or on a purpose which the company requires to be declared as an approved purpose within the meaning of clause (iii) of sub-rule (2) of rule 2. (Details furnished separately) . Rs.

TOTAL . . . . . Rs.

2. Investments of the company according to the balance sheet as at . . . . . Rs.

(i) Government securities . . . . . Rs.

(ii) Debentures of companies & local authorities . . . . . Rs.

(iii) Shares of other companies . . . . . Rs.

(iv) Loans, deposits and other non-trading advances . . . . . Rs.

(v) Other properties or assets and income from which its not chargeable to income-tax as profits or gains of the business carried on by the company . . . . . Rs.

(vi) Cash in hand and at bank . . . . . Rs. . . . . Rs.

Less : Investments or moneys claimed by the company to be necessary for the existing business or as being locked up outside India in a country the laws of which restrict or prohibit remittance of funds to India (details should be annexed) . . . . . Rs.

Balance, representing the amount of available resources not already utilised in approved purposes as at the commencement of the previous year . . . . . Rs.

Add: Any fresh capital or loans or other finances raised or to be raised by the company after the last day of the year preceding the previous year and before the due date . . . . . Rs.

TOTAL . . . . .

3. Excess of 1 over 2 . . . . . Rs.

4. Amount of moneys out of 3 above, representing the portion attributable to the statutory surplus which has been utilised or is required to be utilised by the company for carrying out approved purposes. In cases where the profits and gains of a company include income which is not included in its total income, e.g., agricultural income, the amount in item 4 should first be determined as if the whole profits and gains of the company were includable in the total income. Having done so, only that proportion of the amount so determined should be shown against item 4, as the total income of the company for the previous year to its total profits and gains for that year, reduced by such allowances as may be admissible under the Act, which have not been taken into account by the company in its profit and loss account for that year.)

Details regarding these purposes and expenditure already incurred or required etc., should separately be furnished.

Place) . . . . . Signature . . . . .

(Date) . . . . . for . . . . . Ltd.

FORM 'C'

(See Rule 14)

*Application for Rufund under Rule 14 of the Income-tax Allowances (Current Profits Deposit) Rules, 1957*

To

### The Board of Referees.

We, . . . . . Limited, having our Registered Office at . . . . . enclose herewith a Memorandum of Deposit issued on . . . . . by the . . . . . showing the amount of cash and securities held in deposit on . . . . . out of the deposits made by us under sub-section (2B) of section 10 of the Indian Income-tax Act, 1922, and do hereby declare—

(I) that the available resources of the company are insufficient to defray the expenditure for carrying out the approved purposes of the company (to the extent of Rs. .... as shown in Statement I enclosed)

(II) therefore set out of the amount and the securities shown in the Memorandum mentioned above a sum of Rs. .... . . . . . and the securities listed in Statement 2 enclosed are required for any or all the purpose mentioned in Statement I.

2. We, therefore, pray for a refund of the sum of Rs. .... and the return of the securities listed in Statement 2.

3. We hereby declare that the amount refunded and the securities returned will be utilised for carrying out the purposes aforesaid within six months of the date of the refund of money and the return of the securities.

(Place) ..... Signature .....  
(Date) ..... for ..... Ltd.

STATEMENT NO. I

STATEMENT No. I

*Computation of the available resources of the Company and requirement for approved purposes as on the date of the application.*

**i. The company's total requirement for approved purposes**

Purpose for which expenditure is likely to be incurred	Amount required Rs.	Period during which the expenditure is likely to be incurred
.....	.....	.....
.....	.....	.....

Total amount required  
2. Investments of the company as on the date of application for refund.

(i) Government securities . . . . .	Rs.
(ii) Debentures of companies and local authority . . . . .	Rs.
(iii) Shares of other companies . . . . .	Rs.
(iv) Loans, deposits and other non-trading advance . . . . .	Rs.
(v) Other properties or assets the income from which is not chargeable to income-tax as profits or gains of the business carried on by the company . . . . .	Rs.
(vi) Cash in hand and at bank . . . . .	Rs.

LESS: Investments or money claimed by the company to be necessary for the existing business or as being locked up outside India in a country the laws of which restrict or prohibit remittance of funds to India (details should be annexed) . . . . . Rs.

**BALANCE:** Representing the amount of available resources not already utilised in approved purposes on the date of application. Rs.

3. Excess of (1) over (2) (excess of total requirements for approved purposes over available resources to the extent of which refund is required).

(In cases where the profits and gains of a company include income which is not included in its total income, e.g., agricultural income, the amount in item 3 should first be determined as if the whole profits and gains of the company were includable in the total income. Having done so, only that proportion of the amount so determined should be shown against item 3, as the total income of the company for the previous year bears to its total profits and gains for that year, reduced by such allowances as may be admissible under the Act, which have not been taken into account by the company in its profits and loss account for that year.)

(Place) ..... Signature .....  
 (Date) ..... for ..... Ltd.

## STATEMENT NO. 2

Particulars of Securities	Face Value
.....	Rs. .....
.....	Rs. .....
.....	Rs. .....

(Place) ..... Signature .....  
 (Date) ..... for ..... Ltd.

## FORM 'D'

(See Rule 15)

*Application for determination of excess deposit under Rule 15 of the Income-tax Allowances (Current Profits Deposit) Rules, 1957.*

To The Income-tax Officer,  
 We, ..... Limited, having our Registered Office at .....  
 ..... have deposited Rs. ..... under sub-section (2B)  
 of section 10 of the Indian Income-tax Act, 1922 for the year ended 31st March .....  
 2. The amount of the current profits deposit for the abovementioned year based on the total  
 income as reduced by the order of the ..... is Rs. ....  
 3. We, therefore, pray that the excess amount deposited, namely, Rs. ..... may be  
 communicated to the Board of Reference for enabling them to authorise the refund of that amount.  
 4. We enclose herewith the Memorandum of Deposit issued on ..... by the

(Place) ..... Signature .....  
 (Date) ..... for ..... Ltd.

[No. 129-IT.]

N. H. NAQVI, Dy. Secy.

## OFFICE OF THE COLLECTOR OF CENTRAL EXCISE BOMBAY

## NOTICE

Bombay, the 4th January, 1958

S.R.O. 36.—Whereas it appears that

Description	Quantity
1. Constantino liquor	34 bottles.
2. White Horse liquor	5 bottles.
3. Goa Country liquor	9 bottles.
4. Betelnuts in 3 guny bags.	1 Md. 30 Srs.
5. Old aluminium utensils.	2

the marginally noted goods which were seized in the jurisdiction of Chowkey No. 74 at a place known as Talyachi Rai on Goa border on 22nd August 1957 were imported by land from Goa (Portuguese Territory in India) in contravention of Section 5(1) of the Land Customs Act 1924 and the Government of India, Ministry of Commerce and Industries, I.T.C. Order No. 17/75, dated 7th December 1955

Issued under the Imports and Exports (Control) Act 1947 and deemed to have been issued under Section 19 of the Sea Customs Act 1878 and whereas the Goa

Country liquor was imported in contravention of the Government of India, Finance Department (Central Revenue) Notification No. 2-Camp Cus., dated 26th January 1946 issued under Section 19 of the Sea Customs Act 1878. Now therefore any person claiming the goods is hereby called upon to show cause to the Deputy Collector of Central Excise, Bombay why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878.

If such an owner does not turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed property and the case will be decided accordingly.

[No. VIII(b) 10(79)Cus./57.]

**S.R.O. 37.—Whereas it appears that the marginally noted unclaimed goods**

<i>Description</i>	<i>Quantity</i>	<i>which were seized in the jurisdiction of Chowkey No. 76 at Amgaon on the Goa Frontier on 3rd April 1957 were imported by land from Goa (Portuguese Territory in India) in contravention of Section 5(1) of the Land Customs Act 1924 and the Government of India, Ministry of Commerce and Industries, I. T. C. Order No. 17/55 dated 7th December 1955 issued under</i>
1. Macieria Foreign sealed liquor bottles	105 bottles	
2. White Horse sealed bottles of F. liquor.	15 "	
3. Johnny Walker's Foreign whisky liquor bottles	10 "	
5. Five sealed bottles of white Horse whisky and 2 bottles of Delafarge Brandy.	5 "	
	2 "	
4. Constantino sealed bottles and Goa country.	4 "	
	2 "	
5. Betelnuts.	about 30 Srs.	
6. Empty G. Bages-	11 olb.	

the Import and Export (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act 1878 and whereas the Goa Country liquor was imported in contravention of the Government of India, Finance Department (Central Revenue) Notification No. 2 Camp-Cus dated 26th January, 1946 issued under section 19 of the Sea Customs Act 1878 now therefore any person claiming the goods is hereby called upon to show cause to the Deputy Collector of Central Excise, Bombay why the above-mentioned goods should not be confiscated under section 5(3) of the Land Customs Act 1924 read with section 167(8) and Section 168 of the Sea Customs Act 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act 1924 read with section 167(8) of the Sea Customs Act 1878.

If such an owner does not turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed property and the case will be decided accordingly.

[No. VIII(b) (89) Cus/57.]

**S.R.O. 38.—Whereas it appears that the marginally noted unclaimed goods**

<i>Description</i>	<i>Quantity</i>	<i>which were seized at Shitoda Gharli villages on the Goa border on 18/19th June 1957 were imported by land from Goa (Portuguese Territory in India) in contravention of Section 5(1) of the Land Customs Act 1924 and the Government of India, Ministry of Commerce &amp; Industries, Import Trade Control Order No. 17/55 dated 7th December, 1955 issued under the Import &amp; Export (Control) Act 1947 and deemed to have been issued under Section 19 of the Sea Customs Act 1878. Now therefore any person claiming the goods is hereby called upon to show cause to the Deputy Collector of Central Excise, Bombay</i>
Constantino Fine old 50 Brandy packed in four (bottles) gunny bags		

why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Custom Act 1924 read with Section 167(8) of the Sea Customs Act 1878.

If such an owner does not turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed property and the case will be decided accordingly.

[No. VIII(b) 10(94) Cus/57.]

V. R. PHANSIKAR,

For Deputy Collector of Central Excise and Land Customs, Bombay.

Bombay the 4th January 1958

**S.R.O. 39.—Whereas** it appears that the **Description** **Quantity** **B. Mds. Seers** **65 6** marginally noted goods which were seized at village Kulkod on the Indo-Goa border on 22nd February, 1957, were im-

56 bags of white dried 'Chali'  
variety betelnuts

(Portuguese Territory in India) in contravention of the Government of India, Ministry of Commerce and Industries, I.T.C. Order No. 17/55 dated 7th December, 1955 issued under the Import and Export (Control) Act 1947 and deemed to have been issued under section 19 of the Sea Customs Act 1878. Now therefore any person claiming the goods is hereby called upon to show cause to the Collector of Central Excise, Bombay why the above-mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under the same section.

If such an owner does not turn up to claim the above-mentioned goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed property and the case will be decided accordingly.

[No. VIII(b) 10(87) Cus/67.]

T. C. SETH,

**Collector of Central Excise and Customs, Bombay.**

**CENTRAL BOARD OF REVENUE**

## INCOME-TAX

New Delhi, the 23rd December 1957

**S.R.O. 40.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in supersession of its notification S.R.O. 3935 No. 116-Income-tax, dated 4th December 1957, the Central Board of Revenue hereby directs that Shri J. P. Singh, a Commissioner of Income-tax, shall perform all the functions of a Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the State of Madras.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While exercising the said functions the said J. P. Singh shall be designated as Commissioner of Income-tax, Madras.

This notification shall be deemed to have taken effect from the 16th day of December, 1957 (forenoon).

*Explanatory Note*

NOTE.—The amendments have become necessary due to the change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 125.]

**S.R.O. 41.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri M. Hamid Mirza, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Kerala and in the Coimbatore District in the State of Madras.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri Hamid Mirza shall be designated as the Commissioner of Income-tax, Kerala and Coimbatore with headquarters at Coimbatore.

2. This notification shall take effect on and from the 1st day of January, 1958.

*Explanatory Note*

NOTE.—The amendments have become necessary due to the change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 126.]

**S.R.O. 42.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri J. P. Singh, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madras excluding the whole of Coimbatore District.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri J. P. Singh shall be designated as the Commissioner of Income-tax, Madras with headquarters at Madras.

2. This notification shall take effect on and from the 1st day of January, 1958.

*Explanatory Note*

NOTE.—The amendments have become necessary due to the change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 127.]

**S.R.O. 43.**—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in its notification S.R.O. 2023 No. 68-Income-tax, dated the 15th June, 1957, namely:—

In the said notification—

### I. In the Schedule

(a) after the sub-head "VIII—Delhi and Rajasthan" and the entries thereunder, the following sub-head and entries shall be inserted, namely:—

### **“VIII-A—Kerala and Coimbatore”**

## ERNAKULAM.

1. Ernakulam Circle.
2. Alwaye Circle.
3. Salary Circle, Ernakulam.
4. Trichur Circle.
5. Mattancherry Circle.
6. E. D. cum I. T. Circle, Ernakulam.
7. Special Survey Circle, Mattancherry (in respect of persons who have their principal place of business in or reside within the jurisdiction of I. T. circles mentioned above).

## TRIVANDRUM

1. Trivandrum Circle.
2. Quilon Circle.
3. Alleppey Circle.
4. Kottayam Circle.
5. Special Circle, Trivandrum.
6. Special Survey Circle, Mattanchery (in respect of persons who have their principal place of business in or reside within the jurisdiction of I. T. circles mentioned above).

## KOZHIKODE

1. Kozhikode Circle.
2. Special Survey Circle, Mattanchery (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I. T. circle at Kozhikode).
3. Mangalore Circle.
4. Special Survey Circle, Bangalore (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I. T. Circle, Mangalore).

## COIMBATORE

1. Coimbatore Circle.
2. Special Circle, Coimbatore.
3. E.P.T. Circle, Coimbatore & Erode.
4. E. D. cum I. T. Circle, Coimbatore.
5. Erode Circle.
6. Special Survey Circle, Coimbatore (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I. T. circle mentioned above).
7. Palghat Circle.
8. Special Survey Circle, Mattanchery (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I. T. Circle Palghat).

(b) under the sub-head "X—Madras", for the entries in columns 1 and 2, the following entries shall be substituted, namely:—

## I. MADRAS 'A' RANGE

1. Madras City Circle V.
2. Madras (Special) Circle.
3. Madras Special (Central) Circle.
4. Special Circle, Madras.
5. Kanchipuram Circle.
6. Vellore Circle.
7. Special Survey Circle, No. 1, Madras (in respect of persons who have their principal place of business in or reside in the district of North Arcot and Chingleput).
8. Foreign Section.
9. Ooracamund Circle.

## II. MADRAS 'B' RANGE

1. Madras City Circle I.
2. Madras City Circle III.
3. Estate Duty-cum-Income-tax Circle adras.
4. Cuddalore.
5. Special Survey Circle, No. 1., Madras (excluding jurisdiction assigned to other Appellate Assistant Commissioners).

## III. MADRAS 'C' RANGE

1. Madras City Circle II.
2. Madras City Circle IV.
3. Madras Salaries Circle.
4. Central Circle, I, Madras.
5. Central Circle II, Madras.
6. Tanjore Circle.
7. Nagapattinam Circle.
8. Special Survey Circle No. 1, Madras (in respect of persons who have their principal place of business in or reside in the Tanjore District).

## IV. TIRUCHIRAPPALI RANGE

1. Tiruchirapalli Circle.
2. Karakudi Circle.
3. Pudukkottai Circle.

## V. MADHURAI RANGE

1. Madhurai Circle.
2. Estate Duty *cum* Income-tax Circle, Madhura.
3. Dindigul Circle.
4. Virudhunagar Circle.
5. Tirunelveli Circle.
6. Tuticorin Circle.
7. Nagercoil Circle.

## VI. SALEM RANGE

1. Salem Circle.

(c) for the sub-head "XI—Mysore & Kerala" and the entries thereunder, the following sub-head and entries shall be substituted, namely:—

## "XI—Mysore"

## 'A' RANGE, BANGALORE

1. Urban Circle except in respect of the persons and incomes assessed by the III, IV, V, VI and VII Addl. Income-tax Officers.
2. E. D.-*cum*-I. T. Circle, Bangalore.
3. Mysore Circle.
4. Davangere Circle.
5. Coorg Circle.
6. Tumkur Circle.
7. Special Survey Circle, Bangalore (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I. T. Circles mentioned above).

## 'B' RANGE, BANGALORE

1. Urban Circle, in respect of persons and incomes assessed by III, IV, V, VI and VII Addl. Income-tax Officers.
2. Rural Circle, Bangalore.
3. Salary Circle, Bangalore.
4. Special Circle, Bangalore.
5. Shimoga Circle.
6. Hassan Circle.
7. Bellary Circle.
8. Kolar Circle.
9. Special Survey Circle, Bangalore (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I. T. Circles mentioned above).

## DHARWAR . . . . .

1. All Income-tax Wards of Dharwar district and North Kanara having Headquarters at Dharwar.
2. All Income-tax Wards of Belgaum District having headquarters at Belgaum.
3. All Income-tax Wards of Bijapur having Headquarters at Bijapur.
4. Raichur Circle.
5. Gulbarga Circle.

2. This notification shall take effect on and from the 1st day of January, 1958.

## Explanatory Note

**NOTE.**—The amendments have become necessary due to the reorganisation of the appellate jurisdiction of the Appellate Assistant Commissioners in the charge of the Commissioners of Income-tax, Kerala, Madras and Mysore.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 128 (F. No. 55/112/57-IT).]

## CORRIGENDUM

## INCOME-TAX

New Delhi, the 27th December 1957

**S.R.O. 44.**—In the notification of the Central Board of Revenue S.R.O. 3394, published in Part II, Section 3 of the Gazette of India dated 26th October 1957 for the words "These amendments shall come into force from the 1st day of November, 1957" read "These amendments shall come into force from 2nd day of December 1957".

[No. 130 (F. No. 50/107/57-IT).]

B. V. MUNDKUR, Under Secy.

## MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 23rd December 1957

**S.R.O. 45.**—In pursuance of clause (1) of article 239 of the Constitution and in partial modification of the notification of the Government of India in the Ministry of Industry and Supply No. S.R.O. 460, dated the 24th August, 1950 and the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 2536 dated the 1st November, 1956, the President hereby directs that the Administrators of all the Union territories shall, subject to the control of the President, exercise the powers and discharge the functions of the Central Government under the provisions of sub-section (1) of section 6 and clause (c) of section 12 of the Cotton Ginning and Pressing Factories Act, 1925 (12 of 1925), in the Union territories under their respective administration.

[No. F.24(27)-TEX(A)/57.]

**S.R.O. 46.**—In pursuance of clause (1) of article 258 of the Constitution and in supersession of the notification of the Government of India No. 50-C(2)/38 dated the 31st March, 1938 and in partial modification of the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 89 dated the 8th January, 1957, the President hereby entrusts to the State Governments with their consent and functions of Central Government under the provisions of sub-section (1) of section 6 and clause (c) of section 12 of the Cotton Ginning and Pressing Factories Act, 1925 (12 of 1925).

[No. F.24(27)-TEX(A)/57.]

New Delhi, the 28th December 1957

**S.R.O. 47.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment

in the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1150 dated the 30th May, 1955, namely—

In the said Notification,

i. In Form CST-A.

(a) In Part II, the words at the end "Certified that the above particulars have been checked with the records of the mill and that they are, in so far as I can ascertain, accurate and complete" "Signature of Manager or Managing Agent" "Date" and "Place" shall be omitted,

(b) after Part II, the following shall be inserted, namely:—

**"PART III**

*Machines in Hosiery Industry.*

(1) Winding Machines

(a) Bottle Bobbin winders  
(b) Cone winders  
(c) Any other (Type to be indicated separately for each)

(2) Automatic sock knitting machines

(a) Plain  
(b) Ribbed  
(c) Design (Details may be indicated separately against each)

NOTE:—(Against each of above the diameter of cylinder and the number of needle may please be indicated).

(3) Linking machines; (No. of needles per inch may please be indicated).

(4) Inter lock knitting machines.  
(5) Sinker Body Machines.

NOTE:—[Against (4) & (5) please indicate the diameter of machines]

(6) Stitching Machines

(a) Over Lock  
(b) Chain Lock  
(c) Flat Lock  
(d) Others (Type may be indicated for each)

(7) Muffer making machines.

(8) Jacquard Knitting Machines.

(9) Any other machines with their full names and imported specification.

*Processing Machines*

(1) Dyeing Machines

(2) Hydroextractors

(3) Boarding Machines (Pressing Machines)

(4) Bleaching Equipment (Names and number of machines to be indicated).

(5) Printing equipment (Details of Machines and their number to be indicated).

(6) Packing & Labelling Machines.

(7) Any other (with their names and number and important specification against each).

Certified that the above particulars have been checked with the records of the mill and that they are, in so far as I can ascertain accurate and complete.

Date:

Signature of the Manager or Managing Agent."

Place:

2. In Form CST-F-STAPLE, after item 6, the following shall be inserted, namely:—

"7. Consumption of staple fibre during the month 1. Indian ..... .

in lbs.

2. Foreign..... .

Total lbs.

8. Stock of staple Fibre at the end of the month . 1. Indian ..... .

in lbs.

2. Foreign..... .

Total lbs..... ."

## CORRIGENDUM

New Delhi, the 24th December 1957

**S.R.O. 48.**—In the late Ministry of Heavy Industries Order S.R.O. 911, dated the 14th March, 1957, published in the Gazette of India Part II—Section 3 dated the 23rd March 1957:—

For "Shri Shiv Chandika, President, Fertiliser Factory Works' Union L-1, Sahapura, P.O. Manbhumi"

Read "Shri Shiv Chandika, 14, K. Road, Jamshedpur, Singhbhum, BIHAR."

[No. 5(5)-IA(II)(G)/57.]

P. V. B. MENON, Under Secy.

## MERCHANTISE MARKS

New Delhi, the 30th December 1957

**S.R.O. 49.**—The following draft of a further amendment to the notification of the Government of India in the Ministry of Commerce and Consumer Industries No. S.R.O. 2290, dated the 6th October, 1956, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 12A of the Indian Merchandise Marks Act, 1889 (4 of 1889), is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 15th February, 1958. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

## Draft Amendment

In the Schedule to the said notification, after item 33, the following items shall be added, namely:—

"34. All Sports Goods  
35. Cycles and Cycle parts

On the goods themselves.

On the goods themselves."

[No. 3(5)-TMP/56.]

## Indian Standards Institution

Delhi, the 16th December 1957

**S.R.O. 50.**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established during the period 1st to 15th December 1957.

## THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:616-1957 Code of Safety Requirements for Mains-Operated Radio Receivers	..	This code lays down detailed requirements for safety from electric shocks and fire risks as well as for the robustness of construction of mains-operated radio-receivers intended for domestic or similar use. (Price Rs. 2.00).

(1)	(2)	(3)	(4)
2	IS:710-1957 Specification for Marine Plywood.	...	This standard lays down the requirements for marine plywood specifying the timber species to be used and the other requirements to be followed in the manufacture.
(Price Rs. 2.00).			
3	IS:816-1957 Code of Practice for Use of Metal Arc Welding for General Construction in Mild Steel.	...	This standard lays down a code of good practice for the use of metal arc welding in general construction in mild steel, with an eye on safety as well as on economy.
(Price Rs. 2.00).			
4	IS:850-1957 Specification for Natural Sour (Lactic) casein for Glue Manufacture.	...	This standard prescribes the requirements for natural sour (lactic) casein used in the manufacture of casein glue.
(Price Rs. 1.50).			
5	IS:989-1956 Specification for Scissors	...	This standard prescribes the dimensional and material requirements and the methods of test for 15 different classes of scissors.
(Price Rs. 2.00).			
6	IS:990-1957 Specification for Spoons, Stainless Steel.	...	This standard covers the dimensional and material requirements for ten commonly used types of stainless steel spoons.
(Price Rs. 1.50).			
7	IS:991-1957 Specification for Spoons, Brass and Nickel Silver.	...	This standard covers the dimensional and material requirements for ten commonly used types of brass and nickel silver spoons.
(Price Rs. 1.50).			
8	IS:1006-1957 Specification for Arrow-root Starch.	...	This standard prescribes the requirements and the methods of test for arrowroot starch, popularly known as 'arrowroot'.
(Price Rs. 1.50).			
9	IS:1035-1957 Methods of Sampling and Test for Bleaching Earths used for Decolorizing Vegetable Oils.	...	This standard prescribes the methods of sampling and test procedures for determining moisture, bulk density, screen analysis, acidity or alkalinity, decolorizing power, filtrability and oil retention.
(Price Rs. 1.50).			
10	IS:1051-1957 Specification for Pyrethrum Extracts.	...	This standard prescribes the requirements and the methods of test for pyrethrum extracts used in the control of insect pests of medical, agricultural and veterinary importance.
(Price Rs. 2.50).			
11	IS:1060 (Part II-1956) Methods of Sampling and Test for Paper and Allied Products, Part I.	...	This standard prescribes the methods of sampling and test procedures for determining physical, mechanical and chemical characteristics for paper and allied products.
(Price Rs. 2.50).			

(1)	(2)	(3)	(4)
12	IS:1077-1957 Specification for Common Burnt Clay Building Bricks.	...	This standard lays down the requirements for dimensions, quality and strength of common burnt clay bricks used in building work. (Price Rs. 1.50).
13	IS:1089-1957 Specification for Oleum (20 Percent), Technical.	...	This standard prescribes the requirements and the methods of test for oleum of technical grade, commercially known as fuming sulphuric acid. (Price Rs. 1.50).
14	IS:1110-1957 Specification for Ferro Silicon.	...	This standard covers the requirements for five grades of ferro silicon. (Price Re. 1.00).
15	IS:1111-1957 Specification for Spiegeleisen.	...	This standard covers the requirements for two grades of spiegeleisen. (Price Re. 1.00).
16	IS:1115-1957 Specification for Oil Cutting, Soluble.	...	This standard prescribes the requirements of soluble, cutting oil intended for use in machines where the use of a suitable cutting oil giving a non-transparent aqueous emulsion is permissible as coolant and lubricant for cutting tools. (Price Rs. 1.50).

Copies of these Indian Standards are available for sale with the Indian Standards Institution, 19, University Road, Delhi-8, and also at its Branch Offices at (i) 40/40A Cawasji Patel Street Fort, Bombay-1, (ii) P-II, Mission Row Extension, Calcutta-1 and (iii) 23, Nungambakkam High Road, Madras-6.

D.V. KARMARKAR,  
Deputy Director (Marks).

[No. MDC/II(4).]

**S.R.O. 51.**—In the exercise of the powers conferred by sub-regulation, (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips, particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slips issued
(1)	(2)	(3)	(4)
1	IS:1056-1957 Specification for Commercial Metric Weights.	S.R.O. 2909 dated 14th September 1957.	The figure '16' has been placed under D against the seventh item in Table VI on page 8.

Copies of this errata slip are available, free of charge, with the Indian Standards Institution, 19, University Road, Delhi-8, and also at its Branch Offices at (i) 40/40A Cawasji Patel Street Fort, Bombay-1, (ii) P-II Mission Row Extension, Calcutta-1, and (iii) 23 Nungambakkam High Road, Madras-6.

D. V. KARMARKAR,  
Deputy Director (Marks).  
[No. MDC/II(10)]

*Delhi, the 18th December 1957*

**S.R.O. 52.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that a licence, particulars of which are given in the Schedule hereto annexed, has been granted authorising the licensee to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Add- ress of the Licensee	Article covered by the licence	Relevant Indian Standard
		From	To			
I	CM/L-41 10 Dec. 1957.	16 Dec. 1957	15 Dec- 1958	Messrs Carew & Co. Ltd. Asan- sol.	Rectified Spirit Grade A and Grade B.	IS:323-1952 Specification for Rectified Spirit.

D. V. KARMARKAR,  
Deputy Director (Marks).

[No. MDC 12/(169)].

T. S. KUNCHITHAPATHAM, Under Secy.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines & Fuel)

*New Delhi, the 26th December 1957*

**S.R.O. 53.**—In exercise of the powers conferred by section 5 of the Mines & Minerals (Regulation and Development) Act, 1948 (53 of 1948), the Central Government hereby makes the following further amendments in the Mineral Concession Rules, 1949, namely:—

In sub-rule (1) of rule 22 of the said rules—

(1) in the second sentence, the words “at the end of this period” shall be omitted;

(2) the following sentence shall be added at the end, namely:—

“An application for renewal of a prospecting licence shall be made at least two months before the expiry of the licence.”

[No. MII-152(54)/57.]

B. N. RAMAN, Under Secy.

(Department of Iron & Steel)

*New Delhi, the 27th December 1957*

**S.R.O. 54/Ess. Comm/Iron and Steel-2(c)/Am(9).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India in the

Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM-IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'WEST BENGAL' for the entries—

2	3
“5. Agricultural Engineer, Government of West Bengal, Calcutta.	4 and 5.
6. Sub-Divisional Agricultural officers appointed by the Government of West Bengal.	4 and 5.

the following entries shall be substituted, namely:—

2	3
“5. Agricultural Engineer and Joint Director of Agriculture (Engineering) (Ex-Officio), West Bengal.	4, 5, 12(2), 18 & 20.
6. Sub-Divisional Agricultural officers appointed by the Government of West Bengal.	4, 5, 18 and 20.

[No. SC(A)-4(328).]

G. V. RAMAKRISHNA, Under Secy.

**(Department of Mines & Fuel)**

**ERRATUM**

In the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Corrigendum published under S.R.O. 3947 in the Gazette of India Part II—Sec. 3, dated the 14th December 1957 at page 2836, for "Shri B. R. Tolley" read "Shri B. R. Tooley."

**MINISTRY OF FOOD AND AGRICULTURE**

**(Department of Food)**

**ORDER**

*New Delhi, the 27th December 1957*

**S.R.O. 55.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment in the Tripura Foodgrains (Movement) Control Order, 1956, namely:—

*Amendment*

In item (i) of the proviso to clause 3 of the said Order, for the words "ten seers" the words "five seers" shall be substituted.

[No. 204(3)/56-PY.II.]

S. N. BHALLA, Dy. Secy.

**(Department of Agriculture)**

*New Delhi, the 27th December 1957*

**S.R.O. 56.**—The following draft of certain amendments to the Ghee Grading and Marking Rules, 1938, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section for the information of all persons likely to be affected thereby

and notice is hereby given that the said draft will be taken into consideration on or after the 25th January, 1958.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Amendments*

In the said rules:—

- (1) In Schedule III-A, in column 3, against serial No. 6 for the words and figures "Not more than 2·5" the words and figures "Not more than 3·0", shall be substituted.
- (2) In Schedule III-B, in column 3, in both sub-columns against serial No. 6 for the words and figures "Not more than 2·5" the words and figures "Not more than 3·0" shall be substituted.

[No. F. 3-28/57-AM.]

V. S. NIGAM, Under Secy.

**(Department of Agriculture)**

**(Indian Council of Agricultural Research)**

**CORRIGENDUM**

*New Delhi-2, the 28th December 1957*

**S.R.O. 57.**—For the name "Shri Surja Mal" appearing in this Ministry notification of even number, dated the 2nd August, 1957, please read "Shri Surja Ram".

[No. 1-42/56-Com.II.]

R. D. THAWANI, Under Secy.

**MINISTRY OF HEALTH**

*New Delhi-2, the 28th December 1957*

**S.R.O. 58.**—Dr. Lekh Raj Bhalla, B.D.S. (Punjab), Punjab Government Dental College, Amritsar, has been elected as a member of the Dental Council of India from the State of Punjab under clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948), with effect from the 6th November, 1957.

[No. F.6-6/57-MI.]

KRISHNA BIHARI, Under Secy.

**MINISTRY OF TRANSPORT AND COMMUNICATIONS**

**(Deptts. of Communications and Civil Aviation)**

*New Delhi, the 24th December 1957*

**S.R.O. 59.**—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts for a further period up to 30-6-1958, all persons in-charge of aircraft engaged in international navigation from the operation of clause (V) of sub-rule (2) of rule 7 of the said Rules, in so far as it requires such persons to carry in the said aircraft, the aircraft and engine log books, subject to the condition that the working copies of the aforesaid documents are carried in the said aircraft.

[No. AR/1937(36).]

[F. No.10-A/59-57.]

D. R. KOHLI, Under Secy

## MINISTRY OF WORKS HOUSING AND SUPPLY

New Delhi, the 28th December 1957

**S.R.O. 60.**—In exercise of the powers conferred by Section 4 of the Indian Boilers Act, 1923 (5 of 1923), the Central Government hereby cancels the notification of the Government of India in the late Department of Industries and Labour No. G(B)-10, dated the 21st June, 1924, excluding the Andaman and Nicobar Islands from the operation of all the provisions of the said Act.

[No. BL-25(5)/57.]

M. N. KALE, Under Secy.

## MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 27th December 1957

**S.R.O. 61.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri M. N. Mathur, as Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the date he took charge of his office in the office of the Chief Settlement Commissioner.

The Central Government also appoints the said Officer as Additional Settlement Commissioner for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the same date.

[No. 15(32)Admn(Int)/57.]

I.N. CHIB,

Deputy Chief Settlement Commissioner  
(Ex-Officio Deputy Secy.)

## Office of the Chief Settlement Commissioner

## ORDER

New Delhi, the 27th December 1957

**S.R.O. 62.**—In exercise of the powers conferred by sub-section (2) of section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), I, Shri L. J. Johnson, I.C.S., Chief Settlement Commissioner, hereby delegate to Shri S. R. Maini, I.A.S., Settlement Commissioner, Punjab the powers conferred upon me under section 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these sections in so far as they relate to the custody, management and disposal of property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, which forms part of the Compensation Pool.

[No. 9(10)Comp-II/57.]

L. J. JOHNSON,  
Chief Settlement Commissioner.

## MINISTRY OF LABOUR &amp; EMPLOYMENT

New Delhi, the 24th December 1957

**S.R.O. 63.**—In exercise of the powers conferred by Section 7 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following amendment to the notification of the Government of India in the late Ministry of Labour No. S.R.O. 2088, dated the 21st June, 1954, namely:—

In the said notification for the words and figures, 'committees, advisory committees and advisory sub-committees appointed under section 5 and 6', the following shall be substituted, namely:—

"committees and sub-committees appointed under section 5."

[No. LWI-I-6(18)(1)/57.]

**S.R.O. 64.**—In exercise of the powers conferred by section 9 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby nominates Shri R. S. Barve, Deputy Director, Civil Engineering, Railway Board to be a member of the Advisory Board constituted under section 7 of the said Act by the notification of the Government of India, Ministry of Labour No. S.R.O. 2083, dated the 21st June, 1954, in the vacancy caused by the resignation of Shri D. N. Chopra and makes the following further amendment in the said notification, namely:—

In the said notification, under the heading "Representatives of employers", for entry "5. Shri D. N. Chopra, Joint Director, Civil Engineering, Railway Board, New Delhi," the following entry shall be substituted, namely:—

"5. Shri R. S. Barve, Deputy Director, Civil Engineering, Railway Board, New Delhi."

[No. LWI-I-6(18)(II)/57.]

#### CORRIGENDUM

*New Delhi, the 28th December 1957*

**S.R.O. 65.**—In the notification of the Government of India in the Ministry of Labour and Employment S.R.O. No. 2563, dated the 31st July, 1957, published in the Gazette of India at page 1696, Part II—Section 3, dated the 10th August 1957, for "University of Burham", read "University of Durham".

[No. LWI-II-53(9)/56.]

P. N. SHARMA, Under Secy.

*New Delhi, the 24th December 1957*

**S.R.O. 66.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following amendment in the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

#### Amendment

In the said Scheme, in the proviso to sub-clause (2) of clause 8 after the word "employer" the following words shall be inserted, namely:—

"other than an employer of chipping and painting workers".

[No. Fac. 186(1)57.]

R. C. SAKSENA, Under Secy.

*New Delhi, the 27th December 1957*

**S.R.O. 67.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between M/s Bikaner Gypsum Ltd. Jamsar and their workmen.

#### BEFORE THE INDUSTRIAL TRIBUNAL: DELHI.

#### PRESENT:

Shri E. Krishna Murti, Industrial Tribunal.

*New Delhi, the 23rd November 1957*

I. D. No. 171 OF 1957.

#### BETWEEN

M/s. Bikaner Gypsum Ltd.

AND

Its workmen.

## AWARD

By G.O. No. S.R.O. dated the 11th August, 1956 and the 20th July, 1957, the industrial dispute between Messrs Bikaner Gypsum Ltd., and its workmen, was referred to this Tribunal for adjudication under Section 7 read with Section 10 of the Industrial Disputes Act, 1947.

2. The terms of reference are as follows:—

- (1) Should disparity in wages between men and women workers be removed?
- (2) Was the strike undertaken on the 25th June, 1956, legal and justified? If so, was the management justified in breaking the continuity of service of the workmen? If not, are the workers entitled to strike pay and other relief, and, if so, what?
- (3) Do the wages prevalent in quarries and workshops of Messrs Bikaner Gypsum Ltd. need any revision? If so, what should be the rates?
- (4) Should piece rates be revised and linked with weight or volume of gypsum, and, if so, what should be the rates?
- (5) (a) Are the departmental workers estopped from raising the question of bonus for the year 1951-52, 1952-53 and 1953-54? If not, are they entitled to any bonus and at what rates?
- (b) Are the contractors' labour entitled to claim any bonus from the management of Bikaner Gypsum Ltd. for the years 1951-52, 1952-53, 1953-54? And, if so, at what rate, and subject to what conditions?
- (6) Is the termination of employment of workmen by the management during the period from the 5th June, 1956, to the date of cessation of strike justified? If not, to what relief such workmen are entitled?

3. The allegations on behalf of the workmen are, that after coming into force of the Constitution of India there can be no difference of wages on account of reasons of sex, that wages should be revised as mentioned in the statement of demands, that the strike in question was legal and justified, that a strike notice was given on 5th June, 1956, but no heed was paid to it, that the workers were obliged to strike only in the last resort after all remedies had been exhausted, that it was due to the high handed action of the company towards the workmen, that the workmen were obliged to strike, that they are entitled to strike pay and relief of continuity of service without any break, that the termination of employment of workmen by the management during the period from 5th June, 1956, to the date of cessation of strike is not justified, that the workmen are entitled to bonus as claimed, that there can be no distinction between the departmental workers and contractors' labour, that the workmen are not satisfied with the way in which the measurement is made, and that the value of gypsum should be paid in accordance with weight.

4. The contention on behalf of the management is, that the disparity in wages between man and woman is justified and cannot be removed, that the strike in question is illegal and is also unjustified, that the workmen are not entitled to strike wages, or to continuity of service, that the workmen are guilty of violence and subversive activities during the strike period, that as a result of the strike various other concerns were put to loss and inconvenience, that the wages are fair and do not need any revision, that the company is already paying their workers more than the minimum wages as fixed by the State Government, that the company has been increasing the amenities provided to the workmen, that any further increase above the existing wage rates would not be within the financial resources of the company, that the company has not made huge profits, as alleged, that the increase of wages would place a heavy burden on the company and may have unfortunate repercussions, like retrenchment etc., that the present wage structure should not be interfered with, that the piece rates are linked with the volume of gypsum, that no change can be made in the present existing system, which is convenient for the workmen also, that payment by volumetric measure is the general practice in mines all over the country, that the rate may be fixed at Rs. 1.4-0 for 45 C.F., which is the rate which the contractors are paying to their labourers, that the demand for bonus for the years 1951-52, 1952-53, 1953-54 and 1954-55 was put-forward by the Union in the strike notice dated 2nd January, 1956, that this was settled by memorandum of settlement dated 25th January, 1956, that the management agreed to give to departmental labour for the financial year 1954-55 a month's bonus, that this was paid

to the departmental workers, that the demand for the years now in question is belated, that the workers are estopped from raising their demand by virtue of the above settlement, that even on merits, they are not entitled to any bonus, that the contractors' labourers are employees of the contractors and are not workmen of the management, that the termination of employment of certain workmen is justified and according to law, and that the workmen are not entitled to the relief claimed.

5. Both parties stated before me that the issues are as in the terms of reference and both parties went to trial on the said basis.

**Issues No. 1 & 3.**

6. This dispute is between Messrs. Bikaner Gypsum Ltd. (hereinafter to be referred as company), and its workmen. The workmen are represented by the Gypsum Mines Workers' Union, of which Shri Murli Dhar Vyas, examined as WW16, an M.L.A. of Rajasthan Legislative Assembly, is the Secretary from 1954. The Union was formed in 1954. Ext. W/16 is the letter sent to the management about the Union. Exts. W/56, 57 and 90 relate to the registration of the Union.

7. The Bikaner Gypsum Ltd. is a public Limited Company and Ext. M/1 contains the Memorandum & Articles of Association. It was registered in 1947. Forty per cent. of the shares in the said company are held by the Rajasthan Government, which also nominates 3 Directors of the company.

8. The Managing Agents are the Natural Science India Private Ltd. and Ext. M/2 is a copy of the managing agency agreement. Shri Atal Chand Datta (MW17) is a Director of Bikaner Gypsum Ltd., as well as the Managing Director of the Managing Agents, Natural Science India Private Ltd., Canning Street, Calcutta.

9. Two mines are being worked by the company, one at Jamsar and the other at Lunkaransar. They are separated by a distance of 30 miles. Jamsar is about 20 miles from Bikaner. The better worked mine is the Jamsar mine and the yield of the other mine is said to be small.

10. According to the evidence of MW1, Shri Raj Pal, the Mine Superintendent and Resident Manager of the company, various methods are adopted for raising and lifting gypsum. In Quarries No. 8, 9 and 11 the workers called village piece workers dig up gypsum and store it. Each village piece worker stores it on his own account. The gypsum is separated into superior and inferior quality according to purity, and it is transported. The village piece worker collect the gypsum separately till a wagon load is collected. A wagon load varies from 10 to 18 tons and after a wagon is loaded it goes to the railway weigh bridge and the workmen are paid according to the load so determined.

11. The procedure in regard to removal of overburden at places where village piece workers raise gypsum is this. They select places where the overburden is slight and they do it themselves and are not separately paid for it. The rate for overburden is included in the ad hoc rate of Rs. 2-12-0 per ton for despatch to Sindri Fertilisers. Shri Raj Pal says, that the Inspector of Mines issued a circular requiring the mine owners to pay separately for the removal of overburden in the interests of safety of the workmen, and that the management had under consideration a proposal to make separate payment for removal of such over-burden.

12. There are other mazdoors, but they do not ordinarily do the work of raising and lifting gypsum. Raising and lifting is performed by manual labour, i.e. mostly by mazdoors working under contractors. The contractor is paid at the rate of Rs. 1-6-0 per 45 C.F., whereas the contractor pays Rs. 1-2-0 to his mazdoors. The mode of payment depends upon the "volumetric" measure. The rate of Rs. 1-6-0 is for soft rock and for hard rock it is Rs. 1-10-0 per C.F. There are written agreements entered into with the contractors.

13. The loading of gypsum into wagons is not part of the contractors' agreement. For this purpose, separate loading contractors are employed, and the rate of loading is 0-5-0 per ton for manually raised load. An extra 25 per cent is paid for night loading, i.e., between 10 P.M. and 6 A.M.

14. The removal of over-burden is also undertaken by contractors, but they are separately paid for this. For softer earth the rate is Rs. 15-0-0 per 1000 C.F., for harder earth it is Rs. 20 per 1,000 C.F. This measure is according to the

volume *in situ*. Some adjustments are made by applying the conversion factor owing to expansion in storage. Also there is increased rate as the load increases, i.e. an extra amount of Re. 1 per 1,000 C.F., for 100 ft. additional load over and above first hundred ft. This increase of rate applies to raising and loading of gypsum also.

15. There is another method of raising gypsum, i.e., by power shovels. Drilling and blasting is done by the company. Power Shovels excavate earth and load the material into tubs and dumpers which belong to the company. The contractors' workmen are engaged for pushing away tubs. Shovels belong to the contractors, and are leased to the company for earth and gypsum raising and for loading. The departmental labour, is, labour employed by the company is put to work in these operations to keep the tracks and roads in proper order, unload the dumpers and the tubs and to dress the stocks.

16. Mechanical raising is done in two shifts. The summer hours are 7 A.M. to 4 P.M., with one hour interval; 4 P.M. to 5 P.M. is for maintenance. The second shift is from 5 P.M. to 2 A.M., with one hour interval for rest. The manual raising is done in one shift from 7 A.M. to 4 P.M. in summer and 8 A.M. to 5 P.M. in winter with one hour interval for rest.

17. At the outset I shall deal with the question of wages. Firstly it is alleged in the statement of demands, that in the matter of wages distinction between men labour and women labour must be abolished, and that according to the Constitution of India no difference can exist in the matter of wages on account of difference in sex. Secondly it is stated that the company is making huge profits, that all necessary commodities are very dear at Jaisar, that the prices are 150 to 200 percent higher than those at Bikaner, and that each worker should be paid Rs. 2-8-0 irrespective of sex.

18. Taking the first contention about the abolition of all distinction between male and female labourers, the management have set out a number of reasons in the written statement as to why this distinction has continued to exist. According to the evidence of Shri Raj Pal, a female worker does not work on her own account. She is one of a group composed of her relations. This work is so distributed in the group that she is made to do lighter jobs. She cannot dig, accompany the camels carry rails or undump tubs. She cannot be expected to do heavy jobs. She cannot be engaged on any machine as a helper. She cannot be shifted from one job to another independently of the group, to which she belongs. She does the work of carrying of earth or loading of ore. His further evidence is, that a group consisting of female workers cannot show the same output or efficiency as a group wholly consisting of men. In this connection Exts. M/3 and M/4 have been relied upon as showing the difference of output between men labour and women labour. This shows considerable difference in the output and time taken in doing a particular job.

19. Another point, that is urged in this connection, is, that women labour cannot be employed in the mines after 10 P.M., and they only work between 6 P.M. and 10 P.M. There is round the clock loading in the mines and this diminishes the utility of women labour. There is also a great amount of absenteeism among women. The distinction cannot be removed because women enjoy more benefits, like maternity relief etc. There are creches provided for the children, and during duty hours mothers often go to the creches to feed their babies. It is contended that in view of the various circumstances set out above, the disparity between the amount of wages paid to men and women labourers cannot be removed. It is further pointed out, that whatever might be the directive principle in the Constitution in practice differences must continue to exist.

20. It is urged by Dr. Parkash that even the Union in its former demands about wages made a difference between women labour and men labour, and that it is only in the present statement of demands that there is a claim for a uniform rate of Rs. 2-8-0 to every mazdoor of the company without distinction of sex. This contention receives support from the strike notice, Ext. M/229, wherein the demand was made that a male worker should be paid Rs. 2-8-0 and a woman worker Rs. 2.

21. Nextly reference is made to Ext. M/80 which is a notification issued by the Government of Rajasthan under the Minimum Wages Act dated 29th March, 1952. This draws a distinction between male and female labour and a lesser rate is fixed for women. For employment of road construction or any building operations, the wages of a male are fixed at Rs. 30 per mensem or Rs. 1-2-0 per

day for 26 days in a month. For employment in stone breaking or stone crushing for a female the wages are Rs. 20 per month or 0-12-0 per day for 26 days in a month.

22. Reference has been made to a number of decisions in this connection. It is sufficient to refer to Phalton Sugar Works Ltd. and their workmen (1954 LAC 513). At page 523 there is a reference to the argument that the scale of wages for females should be lower. Attention is drawn to clause (d) of Article 39 of the Constitution providing that the State should direct its policy towards securing equal pay for equal work for both men and women. Clause (a) of the same Article provides that the citizens, men and women, equally have the right to an adequate means of livelihood; Article 15 states that the State shall not discriminate against any citizen *inter alia* on the ground of sex. It was held in the above decision, that even though the women workers might have been exploited in the past, this exploitation cannot be allowed to continue any longer, and that no distinction should be made between male and female workers in the matter of basic wages. This decision is, however, distinguishable on the facts of the present case. Therein it is observed at page 523 that there was no evidence that the women workers did less work than men or put in less hours of work. On the facts of the present case there is the evidence of Shri Raj Pal, that women workers are less efficient and their output is low, that they also do lighter jobs, and that they are incapable of doing as much work as the male workers. In the above circumstances, that decision is not applicable. More important still in spite of the fact of the existence in the Constitution of the directive principle it is a matter of significance that the Union itself made a distinction in the matter of wages for women labour and men labour. In these circumstances, I hold that the disparity in wages between women labour and men labour cannot altogether be removed on the facts of the present case.

23. The second question is about the rate at which wages should be given. Ext. M/5 shows the rates and scales. According to the case of the management, there has been increase in wages from time to time. In or about the month of June, 1955 the company increased the wage rates of the labourers, i.e., of males from Rs. 1-6-0 to Rs. 1-8-0 and of females from 0-14-0 to Re. 1. There is also provision for payment of increment at the rate of 0-1-0 every year to such workers. Thus the wages go upto Rs. 1-12-0 for male labour, and Rs. 1-4-0 for female labour. The company also raised the rate of wages of other workers and fitted them into suitable grades. It is argued that no further rise can be given to the workmen. ,

24. It is important to note that we are now dealing with the claim for payment of minimum wages. The principles of wage fixation have been laid down in a number of decisions, for example in the decision in Phalton Sugar Works Ltd. and their workmen (1954 LAC 513), referred to above. The same are also found in the decision in Raipur Tea Estate (1958 LAC 318). The concept of minimum wage is no longer based upon the subsistence theory. The minimum wage now includes not only what is sufficient for the bare physical necessities of life, but also a modicum of comfort known as conventional necessities. The minimum wage must provide for the preservation of the workers efficiency and not merely for the bare subsistence of life, and it must take into account provision for some measure of education, medical requirements and other amenities.

25. The contention on behalf of the management is, that certain amenities have been provided to the workmen, and that no rise in wages is called for. Ext. M/6 is filed to show the amenities. Ext M/182 is a reply that has been prepared in this connection to the questions given. It is clear from the evidence that a certain amount of housing has been provided though some of the units are huts. There is a school for education of children, though the criticism has been levelled that it is absolutely inadequate with a single teacher, unable to handle all the children. There are medical facilities provided, and there is a dispensary and a doctor is in attendance. It is clear from the evidence of WW5, Mst. Kesar, that the doctor attends on the labourers and that she got medicine. It is also proved on the evidence, that electric lights have been provided, though not all quarters for the workmen have been lighted up. Some of the witnesses have stated that they are still depending on lights burning kerosene oil. Ext. M/233 is produced to show that Provident Fund benefit exists and is extended to the employees.

26. The plea put-forward on behalf of the company is, that there can be no increase in the present existing level of wages, and that it is not possible to do so without repercussions on the financial position of the company. The evidence

of Shri V. B. Chaterjee, a Chartered Accountant of Calcutta, has been relied upon. According to his evidence, considering the finances of the company, the increase of wages to Rs. 2-8-0, as demanded by the Union, cannot be acceded to. The extra payment will involve Rs. 1,00,000 as additional payment per year. The cost of production is going up from year to year on account of various reasons. There is increase in the cost of removal of over-burden, explosives, water supply, transport, etc. There is also imposition of taxes to be taken into account. Less and less is being realised owing to poor quality of gypsum. Sindri Fertilizers are the biggest customer of the company. The average supply and selling price to Sindri in 1955-56 was 5.74. This was lower than the contract price because of the lower purity of the gypsum. The profits are showing a down-ward tendency. There is no adequate reserve. Equipment had to be acquired for the company in 1946-47 at a cost of Rs. 2,91,000. The rate of Royalty has been raised. The minimum royalty to be paid to the Rajasthan Government is Re. 1 per ton. The amount of Rs. 1,51,417 has been claimed by the Bihar Government as sales-tax due on account of supplies to Sindri. Ext. M/150 is a copy of the Government of India Notification showing the royalty to be paid and dated 19th March 1957. For a supply of 4 lakhs tons to Sindri the additional cost of production will be Rs. 1,00,000/-. The nature of business is hazardous, and all depends upon the purity of the gypsum and the tonnage raised. Ext. M/155 has been relied upon by the management as showing the financial implications if increased wages are given to the workers as demanded. In cross-examination Mr. Chaterjee says that he cannot say off-hand what ratio the expense on workmen bears to the total expenditure. Exts. M/157-158 show the royalty to be paid. In cross-examination he says, that in 1954-55 the total cost of production was 5.68. This increased to 5.96 in 1955-56 and to 6.05 in 1956-57. He cannot give separate figures for supply of electricity, water, etc. as contributing to the increase in the cost of production. There was loss of 0.13 Naye Paise per ton in 1956 on account of loss in purity. According to Shri Datta the cost of production has been increasing from year to year and the royalty on gypsum has been increased. The royalty that was being paid previously was 7/8/- per ton. The excess cannot be passed on to the customers. Besides the royalty, which is paid to the Rajasthan Government at Re. 1 per ton on gypsum and Rs. 2/8/- per ton on selenite, the Rajasthan Government gets a commission of 2½ per cent on the profits, calculated according to the Indian Companies Act. The cost amounted to Rs. 6.12-0 per ton in the year 1st April 1956 to 31st March 1957. Their price to Sindri is linked up with purity. Purity below 87% is penalized. Owing to short fall in purity the average sale value that they received from Sindri was about 5.7 N.P. There has been a lot of loss on their supply to Sindri, to whom more than 80 per cent of production is given. Last year they gave 4.25 lacs tons. So whatever profit the company is making is due to supplies to other industries. It is argued on behalf of the management that, if there is increase in the rate of wages, there will have to be an increase in the price to be paid by Sindri for the supplies made, and that, therefore, they cannot increase wages at this stage.

27. Reference is again made to the evidence of certain witnesses about wages prevailing in the locality. On behalf of the management reliance is placed on Ext. M/84 as showing the sanctioned labour rates by the Public Works Department to Mazdoors for Bikaner District. It is pointed out that for an ordinary mazdoor the rate is only from 0.12-0 to Re. 1 and for a woman 0.9-0 to 0.12-0. Ext. M/81 is a comparative statement of wage rates. The rates range from Rs. 1.8-0 to Rs. 1.12-0 for males and 0.14-0 to Rs. 1.4-0 for females. Ext. M/85 is a communication from Sindri Fertilizers dated 7th July, 1955, showing that generally in the concern Rs. 1.8-0 was paid to an unskilled labourer, and that an increment of 0.1-0 per year was given. For skilled labour it is Rs. 2 per day. As regards amenities, free housing, free water, free medical aid, and leave with pay as per Mines Act are given. Ext. M/86 relates to the wages prevailing in Kavas Mines, but there is nothing therein about the wages paid to mazdoors. Ext. M/220 contains a copy of the letter received from Associated Cements. For daily rated workers, minimum basic wages are according to grades. For persons in E and D Grades the wages vary from Re. 1 to Rs. 1.4-0 and Rs. 1.2-0 to Rs. 1.9-0 respectively, with annual increments of 0.1-0. For C Grades the rate is Rs. 1.10-0 to Rs. 2.8-0 with annual increment of 0.2-0. There are higher wages for B and A Grades. In Jaipur Udyog Sawaimadhopur, the minimum basic wages for unskilled labour are Rs. 1.12-0 inclusive of all allowances and for monthly rated Rs. 1.14-0 inclusive of all allowances. For females it is Rs. 1.10-0 and Rs. 1.12-0 respectively. In Makrana Marble Stone Company, Rajasthan, the wages are Rs. 1 to Rs. 1.4-0. The Rajasthan Government's rates are 30—1—40 for unskilled workers. It has been argued on the strength of the documents mentioned above, that the existing

scale of wages is quite reasonable, that it compares well with the prevailing rate of wages in similar industries, and that, when wages are to be fixed on an industry-cum-region basis, there is no force at all in the demand on behalf of the workmen, that the wages should be raised to Rs. 2-8-0 per day irrespective of sex.

28. On behalf of the workmen Exts. W/55, 57, 58 and 82 have been referred to in this connection. Ext. W/82 is the minutes of discussion held on 23rd February, 1955 and Mr. A. C. Dutta was of the opinion that there could be no compliance with the demand for increased wages without action by Government. Ext. W/55 shows the scale of wages that came into force in Bikaner Gypsum on 1st April, 1956. Ext. W/57A is a communication from the Chief Labour Commissioner dated 14th April, 1956 addressed to Shri Vyas and it is stated therein that with reference to the demand for increase of wage rates attention was invited to item No. 1 of the memorandum of settlement dated 25th January, 1956.

29. It is also pleaded on behalf of the workmen, that the prices at Jamsar of foodstuffs and other necessities of life are very much higher than at Bikaner, even by 150 to 200 percent in certain cases. WW6, Rattan Lal, has been examined in support of this theory. He says that he sells articles to mazdoors of Bikaner Gypsum. He is a member of the Bikaner Gypsum Mines Workers' Union. Shri Vyas stays with him whenever he visits Jamsar. Messrs. Rup Ram and Radha Krishan were contractors, and he was a partner with them in the contracts with the company. He had a pecuniary interest in the said contracts. These contracts came to an end. He asked the company to continue the contracts, but it did not do so. Apparently this is a witness, who has some bias against the company and his evidence cannot be taken at its face value. According to the evidence of Shri Raj Pal there are certain commodities which are a little higher in price as compared to Bikaner but certain other articles like eggs, milk, ghee are cheaper in Jamsar. MW6, Kastur Chand, runs a food-grains shop at Jamsar. According to him prices of essential commodities like sugar, bajra, wheat, oil, gur, and other food stuffs are almost the same as those in Bikaner, though some articles like milk, ghee, and bajra sell cheaper. He produces a comparative statement, Ext. W/3, as relating to the rates prevailing on 16th June, 1956. He denies that he is in any way connected with contracts in the mines. The evidence establishes that the prices at Jamsar are a little higher than in Bikaner, but not to the extent to which the Union has suggested.

30. There are certain agreements between the parties, namely Exts. M/7, 10, 40 and 41 arrived at in the course of conciliation proceedings. In Ext. M/7 dated 19th May, 1955 item No. 11 relates to the demand for increase in rate of wages to Rs. 2-8-0. The parties agreed to defer this demand for collecting necessary data and statistics with regard to profit and loss and other particulars of the company. Ext. M/10 is a further agreement that was arrived at on 25th January, 1956. Item No. 1 therein relates to the demand for increase in wages. It was agreed that if any increase was to be given to mazdoors, it would affect the rate of supply to Sindri, and that the Government may examine the accounts, to settle the question of increase in wages. Exts. M/40 and 41 are the two agreements arrived at on 10th May, 1956 with reference to village piece workers and workshop personnel. However until now the dispute about wages has not been settled.

31. I have referred to the decisions bearing on the principles of wage fixation. Here we are dealing with the question of fixation of minimum wages for the workmen. It is stated before me by the management, that of the amount that is being paid to the workmen at present, 50 per cent thereof represents basic pay, and 50 per cent. Dearness Allowance. The question of capacity to pay or the implications on the finances of the concern cannot have any material bearing on the question of fixation of minimum wages. It is well recognised that if a concern cannot pay the minimum wages, it has no right to exist, vide Metal Box Co. (1952 LAC 322) and Rajamani Transport (1952 II LLJ 785). The argument, that the wages cannot be raised at present without any previous increase in the price of gypsum supplied to Sindri, cannot be accepted. That is a matter for the company to take up with its customers. Any inconvenience that may be felt in this direction can have no material bearing on the question of fixation of minimum wages necessary to enable a workman to live at subsistence level.

32. I may refer in this connection to the decision in the matter of fixation of wages in coal mines. The Labour Appellate Tribunal fixed the minimum wages at not less than Rs. 70 per month and in consequence there was an increase in the selling price of coal.

33. Taking all circumstances into consideration, I am of opinion, that minimum wages that are now existing are on the low side, and that they must be enhanced. It is in the evidence of Shri Vyas that even though an amount of Rs. 2-8-0 was claimed as minimum wages, the demand was reduced to Rs. 2 per day. There is also the fact, that the workers have been provided with a certain amount of housing, medical facilities, educational facilities, and electric lighting, even though all these are not upto the expectations of the workmen. I am of opinion, that for the present on the facts of this case, it is necessary that a male mazdoor should be paid at the minimum of Rs. 2 per day, and that a female must be paid at least Rs. 1-8-0 per day. There must also be provision for annual increments. I direct that each male mazdoor should be given an annual increment of 0-1-0 and that the maximum should be fixed at Rs. 2-4-0. The increment will be given annually at the rate of 0-1-0 until the amount of Rs. 2-4-0 is reached. Likewise a woman worker shall be paid an annual increment of 0-1-0 till the amount of Rs. 1-12-0 is reached. It is also necessary that the workers, who are getting less than these amounts should be stepped up to the required level. All the male workers, who are now getting Rs. 1-8-0 per day shall receive Rs. 2, and from then onwards shall get the above annual increments. Those, who are getting Rs. 1-9-0, Rs. 1-10-0 and Rs. 1-11-0 shall get a further increase of 0-8-0, so that every workman may have the benefit of increase of wages, now being given, i.e., at the rate of Rs. 2-1-0, Rs. 2-2-0, and Rs. 2-3-0 respectively. They will earn further increments as stated above. Those who are getting Rs. 1-12-0 will get Rs. 2-4-0 and will not be entitled to any more increments. Likewise women mazdoors, who are now getting Rs. 1-4-0 shall get Rs. 1-12-0 and there would not be any further increments. Those who are getting less than Rs. 1-4-0, i.e. Re. 1, Rs. 1-1-0, Rs. 1-2-0 and Rs. 1-3-0, shall get an additional amount of 0-8-0, so that they shall receive Rs. 1-8-0, Rs. 1-9-0, Rs. 1-10-0, and Rs. 1-11-0, and they will earn further increments thereafter at the rate of 0-1-0 per annum till the maximum of Rs. 1-12-0 is reached.

34. The question next is about the date from which the above increase should be given effect to. No doubt the demand for increase in wages has been a constant feature. I am of opinion that the said increase should take place from the date when the award becomes enforceable and no retrospective effect can be given in the circumstances of this case. If the cost of production goes up, owing to the rise in wages, the company may have to negotiate for a rise in the supply price with its customers.

35. It is however argued on behalf of the company, that there can be no question of fixation of wages in these proceedings because according to the agreements, Exts. M/7 and 10 the matter was agreed to be settled after examination of accounts by the Government. I am not prepared to up-hold this argument. The question of wages has been an ever green demand and has led to a lot of unrest and it has not been settled so far. Moreover the question of wages is one of the items of reference. There is no force in the argument that no minimum wages can be fixed in this proceeding because of the existence of the agreements Exts. M/7 and 10.

36. I find, that the difference between the wages of men and woman workers cannot be removed for the present; and that the minimum wages for male and female labour employed by the company should be as above stated, and that the same should come into force from the date when this award becomes enforceable. I further find that out of the amounts as fixed above 50 per cent shall be basic wage and the rest Dearness Allowance.

37. The next question, that has been urged before me on behalf of the workmen, is, that whatever increase in wages is granted must apply not only to the workmen employed by the company, but also to the labourers engaged by the contractors. I have already referred to the evidence of Shri Raj Pal, of the kind of work that is done by labourers engaged through contractors. In his evidence Shri Vyas has referred to them as commission agents, though the said word has not been used in the statement of demands. In the statement of demands it is stated in paragraph 3, that the contractors' labour is the pivot of the industry as it is they who are responsible for increase of production. Some of the contracts entered into by the company with the contractors are Exts. M/57-51.

38. The contention on behalf of the management is, that the contractors' labourers are not the workmen of the management, under the Industrial Disputes Act, and that no industrial dispute with regard to them could be raised. In this connection reference may be made to the decision in Goenka Mills (1953 LAC 591). It was held therein, that in view of the definition of "workmen" and "industrial

dispute" in the Industrial Disputes Act, the workmen must be employed by the employer, who can be made liable for contravention of any of the matters enumerated in Section 2(k) of the Act, and that the Act excludes from its purview a workman employed through a contractor, and contemplates direct recruitment of labour. To the same effect is the decision in The Associated Cement Companies Ltd. and its workmen (1953 LAC 677), wherein it was held that contract labour was excluded from the purview of the Act.

39. Reference may be made in this connection to the decision of the Supreme Court in Dharangdara Chemical Works Vs. State of Saurashtra (1957 I.L.L.J. 477). Distinction is drawn therein between a "contract for service" and "contract of service". It can be gathered therefrom that the essential conditions of a person being a workman within the terms of the definition in Section 2(s) of the Industrial Disputes Act are, that he should be employed to do the work in that industry, i.e. an employment of his by the employer; there should be the relationship between the employer and him as of employer and employee or master and servant. Unless a person is thus employed, there can be no question of his being a workman within the term. From a perusal of the decision it can be gathered that the indicia of a contract of service, are, the master's power of selection of the servant, the payment of wages and other remuneration, the master's right to control the method of doing the work, and the master's right of suspension or dismissal.

40. An examination of the evidence in this case will reveal, that the above tests are not satisfied in the case of labour engaged by the contractors, and that they cannot be deemed to be workmen within the meaning of Section 2(s) of the Act. The contracts are to the effect that the contractors should provide the labour for carrying on various items of work as mentioned in the contracts. Certain rates are fixed for doing the jobs and payment of wages is to be made by the contractors. MW2, is Inder Mohan, one of the contractors since 1951, Ext. M/11 is filed as relating to him. He denies that he is related to Shri Raj Pal, though the latter has been obliged to admit that he is a connection of his, being the son of the uncle of his brother's wife. According to the evidence of Inder Mohan he engages the mazdoors for doing work assigned to him. He has maintained Muster Roll. He paid bonus to his workmen for the last 3 years at the rate of one month's wages. MW5, Champa Lal, is another contractor. The strength of workmen under him varies between 100 and 200. He is paid at the rate of Rs. 1-6-0 per 45 C.F. He pays Rs. 1-2-0 for the same quantity to a workman. He maintains a Muster Roll for the attendance of the workmen. Mukandan Singh, MW16, is another contractor, and, according to him, the management pay him the money as per contract. About 35 mazdoors work under him. He engages labour himself, and his bills are paid fortnightly. The company does not engage men. They do not tell him whom he should engage. He maintains an Attendance Register and Ext. M/125 is the Attendance Register. Ext. M/126 is the Wages Register, showing payments to mazdoors. The Daily Payment Register is Ext. M/127. He pays whatever he likes. Supervision work is done by him or his man. He takes disciplinary action against his men. He controls them. The company has no control over his men, and it does not exercise supervision over his men. The Standing Orders do not apply to them. A mazdoor applies to him for any leave that he may want. The witness also produces the documents Exts. M/159-175 as those relating to his contracts. Some cross-examination has been directed to show that Exts. M/123, 126 and 127 have been manufactured for the purpose of this inquiry. There is however no sufficient reason to disbelieve the truth of the documents above referred to, or the evidence of the contractors with reference to the manner in which the workmen are dealt with and paid by them.

41. The evidence of Shri Raj Pal is, that on 5th June, 1958 there were about 600 or 700 men engaged by the contractors, and there were about 18 contractors. There are several types of contract for doing different types of work, namely gypsum raising, earth work, and loading. The contracts do not impose any obligation on the contractors to pay certain wages to an employee engaged by him, or to retain only a part proportion of the payment made by the company. Ordinarily the contractor retains about 0-4-0 per workman for his part in the business. The company provides accommodation for labourers of the contractors in pursuance of the term in the contract, but this is in respect of the loading contracts only. The rates are different in the matter of loading contracts. According to the evidence of Shri Seshadri, MW15, who is Assistant Manager of the Mines, the Contractor engages his workmen and pays them. The company has nothing to do with them. The contractor or his representative supervises the labour and the witness gives directions to him for safety of the work. Payments are made to

the contractors only and not to the contractor's man. The contractor maintains a Muster Roll of his labourers and he himself takes disciplinary action against them, grants leave to his workmen, and they do not approach the management for leave. The Standing Orders do not apply to contractors' labour. Ext. M/224 and 225 have been filed to show the amount of wagon loading at Jamsar from March, 1956 to October, 1956. Ext. M/226 is a bill of the contractor Rausahar for the fortnight ended 30th June, 1956, and it is produced as illustrative of the fact that the contractors are paid fortnightly by the company, and that they make disbursements to the workmen employed by them.

42. On behalf of the workmen Shri Vyas has attempted to show, that the labourers employed by the contractors are really the workmen of the company. He has referred to the contractors as commission agents. According to the evidence of Shri Vyas, the work done by them is as commission agents. He referred to them as contractors in the statement of demands because the company referred to them as such. The names of the men employed under the commission agents are enrolled in the books of the management. He does not know if this is done to satisfy the Mines Act. He has not examined the Mines Act regarding the maintenance of registers. He admits that the commission agents get the men, but adds that they are employed by the company. These workers are paid through the commission agents. Some of the commission agents are members of the Union. Some other witnesses have been examined in order to prove the contention on behalf of the workmen. Nand Singh, WW8, is a Supervisor working for the last 5½ years in the mines. He was given a document, Ext. W/6, and it contained the portions Exts. W/6A and B. It is signed by the Manager, Shri Ghosh. This witness says that there are about 20 Supervisors. They supervise the work of all labourers including those of contractors. They supervise the work of loading, raising and transporting. A great part of the workmen working in the quarries are contractors' labour. The company maintains a register of labour engaged by the contractors, but this is only for purposes of attendance. In cross-examination he admits that, when the contractors' labourers' representative is not at the spot, they stop work to prevent accidents. His supervision over contractors' labour, is to see, that these labourers do the work rightly and the right type of job, and do not violate the Mines Act in the area of the mines. He admits that the contractor is free to engage whosoever he wants. He adds however that the Supervisor can turn out the labourers of contractors if they disobey the rules and disobey Mines Rules. He is however clear that the company cannot take action against the contractors' labourers directly, and the company will direct the contractors' to take action against them. The discharged person is not permitted to enter the mine area. If a contractors' workman wants leave, he has to go to the contractor, and not to the company. This witness supervises the workers of Inder Mohan, and the excavation of gypsum and the hours worked by each machine.

43. Sita Ram, WW9, says, that he is supervising the departmental labour and contractors' labour and mates. If the contractors' men do not work according to this instructions, he suspends them. He instructs them as to which overburden and which gypsum should be excavated and removed. He maintains a Muster Roll. He further says, that the company punishes the labourers engaged by the contractors. When the contractor Champa Lal Kachaya's men fought with him, the company issued instructions to the contractor to discharge the fighting men. The contractors' labourers come and work and go as they please. There is no question of leave for them. When he is definitely asked the question as to what supervision he exercised over the contractors' men, he said that he checked the attendance, and then he showed them what work was to be done and how it was to be done. He has admitted that the contractors maintain Muster Rolls, and pay advances to the labourers. When there is any quarrel with contractor's labour, this is reported to the contractor's Munim. He further admits that it is his duty to see that there is no violation of the Mines Act, because he will be charged if labourers work in a way which is contrary to the Mines Act. If there is violation, he sees that the work is stopped.

44. Hazari, WW14, has been working in the mines for the last 7 years. He worked originally for 4 years for Mukandan Singh. Now he is working under Labhu Ram contractor. The company's supervisor supervises his work, i.e. the Supervisor tells him how the work should be done and what part of the mines should be dug. If he does not do his work properly, his conduct is reported to the contractor's Munim and the latter gets him turned out. He is driven out after a complaint is lodged by the Supervisor. The instructions are given by Supervisor as to how the over-burden is to be removed. The contractor pays him the wages and also advance. The Parcha or slip is issued by the Tekedar's Munim. Hazari says, that he is removed by the company, but next he adds,

that if he does not like one contractor, he goes to another. The contractor may however stop him because he has incurred expense for rail fare and other expenses. The company writes to the contractor for his removal if there is any complaint against him.

45 WW15, Rajo Ram, a contractor of the company from the last 7 years. He refers to the different kinds of rates prevailing for various jobs done. His commission may amount to about Rs 65 per month. All the contractors pay their labourers at the same rate. He has not seen any contractor paying at a higher rate to the labourers. In cross examination he says, he can remove any labourer. He himself can be removed by the company Babu. He got a letter from Jodhpur Labour Inspector, directing him to maintain a Muster Roll. He does not pay his men if they are absent on leave. Ext W/15 is the file of slips which he got from the company.

46 Lastly reference may be made to the evidence of WW6 Rattan Lal, who was himself a partner with certain contractors, Radha Krishan and Rup Ram. He admits definitely that the company has nothing to do with the mazdoors engaged by the contractors.

47 From the evidence it is clear, that the labourers engaged by the contractors, who have been referred to as commission agents in the evidence of Shri Vyas, are not employees of the company at all, and that they are not governed by the Industrial Disputes Act, and that they are not workmen within the definition of Section 2(s) of the Act. It is proved beyond doubt, that they are engaged and brought into the mines by the contractors, that they are paid by the contractors at a rate less than what is paid by the company to the contractors themselves for the particular job, that the company has no control over them that they come and go when they please that they are at liberty to leave the service of one contractor and serve under another. It is the contractor or his representative who takes action against them in case of objectionable conduct. It is the contractor, to whom they apply for leave, and no wages are paid by the contractor for the period of their absence, if they absent themselves from work. It is the contractor, who pays them bonus if any bonus is paid at all. In short the company has nothing to do with these mazdoors to use the language of WW6 Ratan Lal. In these several circumstances, it is idle to maintain, that the labourers engaged by the contractors are the company's employees. The tests laid down above, as to the indicia of a contract of service are not satisfied in this case. However much reliance has been placed on the circumstance disclosed in the evidence, that the company's supervisors supervise the work of the contractors' men and they also instruct them as to how a job is to be done. This is easily explainable. This is because the company is responsible for the proper observance of the provisions of the Mines Act. The Supervisor has to see that the contractors' men do the different types of work allotted to them in a manner, which does not infringe the provisions of the Mines Act. It is also admitted by some of the witnesses of the company, that the Muster Roll of the workmen is kept by the company. This is explained on behalf of the company as due to the provisions in the Mines Act which require the maintenance of register of all men coming into the mines. On the other hand, it is admitted on behalf of the workmen, that there were circulars sent by the authorities about maintenance of Muster Rolls by contractors. Ext M/97 is a circular of the Labour Inspector to the contractors of Jamsar Mines directing them to maintain register of services, register of fines, register of deductions for damages or loss, and register of advances of wages paid to workers in the prescribed forms. Exts M/160-161 are letters sent by the Labour Inspector to Mukundan Singh about maintenance of registers under the Payment of Wages Act. Ext M/187 is a letter sent by the Labour Inspector to Champa Lal and Mukundan Singh and others, informing them that they had not taken steps to maintain the several registers which they had been asked to maintain and that, if they did not comply with the order, penal action would be taken against them. The maintenance of registers by the company as to attendance does not make any difference to the fact that the contractors' men are not employees of the company.

48 Much has been made of Ext W/8, which is a communication dated 13th June 1958 to Nand Singh. It is stated therein that he must supervise the work of contractors' mazdoors also. In the portion marked Ext W/8B it is stated, that he should supervise the work of contractors' labour, and recommend proper action, including suspension of the contract, if the work was not being done satisfactorily. This does not amount to saying, that the company exercises discipline, direction and control over the contractors' men, or that the contractors' men are under the employment of the company. As indicated above, these communications were sent by the company to see that no provision of the Mines Act

was violated. It has not been proved that the company took any disciplinary action against any contractor's men. What exactly are the essentials that should exist before deciding the question as to the existence of relationship of master and servant are also laid down in Killburn & Co (1956 LAC 393) at page 399. It is clear from the evidence, that the Standing Orders, Ext M/236, have no application to the contractors' men.

49 However, the decision of the Supreme Court in Dharangadhara Chemical Works has been relied upon on behalf of the workmen as showing that, if the company directs how the work is to be done by the contractors' men, then that shows that they are the employees of the company. The above mentioned decision is however distinguishable upon the facts of this case. There the question arose with reference to certain salt pan holders or agaras, who themselves did work for the company though they also engaged others to do the same. On the particular facts of that case, it was found that the said agaras were employees of the company. On the facts of the present case, which are entirely different, there can be no doubt at all that the relationship of employer and employee does not exist between the company and the contractors' men. True that the company's Supervisors have to take care to see how the work is done, but this is only for the limited purpose of preventing violation of the provisions of the Mines Act, and enforcing observation of the Rules and Orders relating to mining.

50 Taking all circumstances into consideration, I find that the men engaged by the contractors are not employees of the company, that there is no relationship of employer and employee between them and the company, that they are not workmen within the definition of Section 2(s) of the Industrial Disputes Act, and that no rise can be granted in the wages of the contractors' men.

51 In the third place, the question next is with reference to wages prevalent in quarries and workshop. It is proved that there are certain village piece workers, who are working in the mines. They are given Rs 2-12 per ton for supplies to Sindri and Rs 3 for supplies to others. Ext M/40 is the agreement reached in conciliation proceedings on 10th May, 1956 with regard to village piece workers. So far as workshop men are concerned, Ext M/41 is the settlement dated 10th May, 1956 arrived at in conciliation proceedings. Ext M/42 contains the grades and scales of pay for the monthly rated and monthly paid staff. There is no demand in the statement of demands about revision of wages of these persons. It is only stated, that the wages of mazdoors should be raised to Rs 2-8-0. I find on these issues, that the wages of mazdoors should be raised in the manner laid down in paragraph 36 and the revised rates shall come into force from the date when this award becomes enforceable. The above rise shall not however be applicable to the labour engaged by the contractors, who are not employees of the company.

#### Issue No 4

52 The question next is, whether the piece rates should be revised and linked with the volume of gypsum, and, if so, what should be the rates. In the statement of demands, it is alleged, that the rates claimed are Rs 2 per ton, that the workmen are not satisfied with the way in which the measurement is done, that the pieces are filled in tubs according to C.F., that the tubs are filled not only upto the brim, but also above the same, that by this method of measurement the workmen lose the fruits of their labour to the extent of about 25 per cent, that the rate of lead and lift should be increased, and that it should be doubled and linked to weightage rather than to measurement of 45 to 50 C.F. So far as this aspect of the case is concerned, it is stated before me by Shri Manak Chand in the course of arguments, that this demand is put-forward only in respect of contractors' labour. In view of my finding above, that contractors' labour is not within the purview of the Industrial Disputes Act, this demand cannot be dealt with in these proceedings and cannot be accepted.

#### Issue No 5 (a) & (b)

53 Then the question is with reference to bonus for the years 1951-52, 1952-53, and 1953-54.

54 Firstly issue No 5(b) refers to the question, whether the contractors' labour also is entitled to claim any bonus from the management for the said years, and, if so, at what rate. I have found above, that the labourers engaged by the contractors are not employees of the company. They cannot demand any bonus from the company. Moreover, I have also referred to the evidence of

Inder Mohan, MW2, who has deposed, that he gave bonus to the workmen employed by him. If at all the labourers engaged by the contractors should look to them, their employers, for payment of bonus and not to the company. I disallow the claim for bonus put-forward on behalf of the labourers engaged by the contractors.

55. Secondly, the question is with reference to the departmental workers, i.e. workmen employed by the company. It is stated by Shri Anand Parkash in the course of arguments, that there are 3 types of departmental mazdoors, namely (i) monthly rated monthly paid, (ii) daily rated monthly paid, and (iii) daily rated weekly paid. It is stated before me that the except the daily rated weekly paid labourers the others were paid bonus during the material years.

56. On behalf of the workmen Shri Manak Chand and Shri Vyas have stated before me, that the present demand for bonus is confined to the daily rated weekly paid workmen only. Exts. M/144 to M/149 are the balance-sheets, and Exts. M/151 to 153 show distribution of dividends. Ext. M/154 is filed to show payment of commission to Rajasthan. Exts. M/181 and 234 show the wages paid and Ext. M/235 is the statement of bonus paid for 1954-55. Ext. M/237 is the order of assessment of income-tax for the year 1951-1952.

57. A number of objections have been raised on behalf of the company to the demand for bonus. It may be mentioned, that this demand also was made from time to time, and it also figured in the discussions before the Conciliation Officer, which resulted in the agreements Ext. M/7 and M/10.

58. The first objection raised on behalf of the company is, that the workmen are estopped from putting-forward this claim. This is based upon Ext. M/10, the settlement reached in the course of conciliation proceedings on 25th January, 1956. Therein demand No. 2 relates to profits sharing bonus for the years now in question. Ext. M/10 is in the following terms with reference to this demand:—

"With regard to demand No. 2 the management agrees to recommend to the Board for payment of another month's bonus to the departmental labour for the financial year 1954-55 ending on 31st March 1955. The demands for payment of bonus for the years 1951-52, 1952-53 and 1953-54 cannot be considered as they are belated and their accounts are closed."

It is argued that Ext. M/10 shows that the workers gave up their claim to bonus for the years now in question, and that, because of this the company agreed to give another month's bonus for the financial year ending 31st March, 1955 and that, in these circumstances the workers are estopped from putting-forward the present claim. Attention is drawn to the heading, that the various matters therein were agreed to. In my opinion the above contention cannot be supported. No doubt there was an agreement to pay extra one month's bonus for the year 1954-55, but it is nowhere stated that because the workmen gave up their claims for the three years in question, the extra one month's bonus was agreed to be given. The company merely maintained their position, that the demand would not be considered because the claim was belated and the accounts had been closed. I am unable to see any agreement, whether express or implied between the parties, according to which the workmen gave up their claim to bonus for the years in question in consideration of there being a recommendation by the management to the Board for sanction of an extra month's bonus for the year 1954-55. I find that the workers are not estopped from putting forward their claim to bonus.

59. The second contention is, that the claim is belated. This contention must be up-held so far as the years 1951-52 and 1952-53 are concerned. The year 1952-53 ended on 31st March, 1953. It may be pointed out, that the workmen for the first time put-forth the claim on 19th May 1955, and it was dealt with in Ext. M/7. But the workmen have relied upon Ext. W/17 dated 30th December, 1954, as containing a demand for bonus. Dr. Parkash has however argued, that no reliance can be placed on Ext. W/17, and that no such demand was served on the company. There is no satisfactory or acceptable proof of the fact that Ext.

W/17 was sent to the company. Attention may also be drawn to the circumstance, that the demand in paragraph 7 relates to wages and that the word "bonus" has been clearly interpolated in different ink. I am not prepared to place any reliance on Ext. W/17, and it has not been satisfactorily proved. I may in this connection refer to the evidence of Shri Vyas. He first says, that the demand for bonus was made in August, 1954. He said, that bonus should be given to all the workers from the year 1951-52 onwards. He cannot say the name of the person who was Manager then. No-one else was present when he made the demand. He did not bring this demand to the notice of Shri Raj Pal. He next states that this demand for bonus was given to the Managing Director in February, 1955. Between August, 1954 and February, 1955 he had correspondence with the management, but did not make a demand in writing for bonus. In February, 1955 he gave a demand in writing that bonus should be given, but did not specify the years for which it should be given. He admits that it is true that he put-forth the demand for bonus specifically for the years now in question for the first time in conciliation proceedings in May, 1955. There can, therefore, be no doubt on the evidence that the demand for bonus for the years now in question was made specifically for the first time in May, 1955.

60. In the circumstances mentioned above, I am of opinion that the demand for the years 1951-52 and 1952-53 is belated. The accounts for the years have been closed, the dividend has been distributed. According to the rules of the company, certain other classes of departmental labour have been paid bonus. There can be no re-opening of the accounts of the company, in order to enable the bonus now demanded to be paid for the said years. It is clear from the decision of the Supreme Court in Muir Mills Co. (1955 I LLJ 1), that bonus cannot be paid from the reserve transferred to profit and loss account. The decision of the Madras High Court in Mysore City Hotels Association Case (1957 I LLJ 282) supports the contention of the management, that the claims for bonus for the years now in dispute, viz., 1951-52 and 1952-53 is belated and must be rejected. To the same effect is the decision in Kanshi Iron Foundry case (1952 LAC 350), Caltex case (1952 LAC 402) and Burmah-Shell in 1954 (I LLJ 21). In view of the catena of decisions, that a belated claim for bonus cannot be entertained, I am of opinion, that the claim for the years 1951-52 and 1952-1953 does not survive and must be rejected.

61. The question next is with reference to the year 1953-54, which ended on 31st March, 1954. So far as this year is concerned, the same argument of belatedness has been put-forward on behalf of the management. No doubt the demand was made about 14 months after the close of the year. The balance-sheet for the year in question is Ext. M/147 dated 20th November, 1954. In my opinion the claim for this year cannot be held to be belated in these circumstances.

62. It has to be determined whether there is enough available surplus to warrant payment of bonus for the said year. In Ext M/147 the amount of net profit shown to be Rs. 2,37,080-10-8.

63. There is a profit and loss appropriation account in the balance-sheet. It is stated before me on behalf of the management, that during the said year all the departmental employees were paid bonus except the daily rated weekly paid staff. From the report of the Directors it will appear that an amount of Rs. 27,178-9-0 was utilized for payment of bonus to the staff at the rate of 1/6th of the basic salary drawn during the year ended 31st March, 1954. No exception can be taken to this appropriation and the amount has been distributed.

64. From the available net profits must be deducted the prior charges. In this connection I may refer to the decision of the Supreme Court in Baroda Borough Municipality Vs. Its workmen (1957 I LLJ 8). The earlier decision in Muir Mills case (1955 I LLJ 1) is referred to and it is observed in the said decision as follows:—

"It is fair that labour should derive some benefit if there is a surplus after meeting prior or necessary charges. The prior or necessary charges were explained as (1) provision for depreciation, (2) reserves for rehabilitation, (3) a return of 6% on the paid up capital, and (4) a return on working capital at a lesser rate than the return on paid up capital."

65. With regard to the prior charges to be deducted from the net profits, firstly we have to deduct the amount of Rs. 27,178-0-0 towards bonus that has already been paid and distributed. This is a legitimate item of deduction as a prior charge, because this is an amount that has already gone towards distribution of bonus to employees of the company other than daily rated weekly paid staff.

66. Secondly, an amount of Rs. 1,25,000-0-0 was set apart towards taxes. This is an item of prior charges.

67. Thirdly, an amount of Rs. 25,000-0-0 was transferred to general reserve. This also must be deducted.

68. Nextly, the amount or capital invested is about Rs. 4,80,250-0-0, i.e. roughly about 5 lacs. An amount of Rs. 30,000-0-0 may be deducted towards return on capital, calculated at 6%.

69. Shri Anand Parkash has however argued, that return on capital must be awarded at the higher rate, because the venture in question is hazardous. It is urged before me that there must be sufficient incentive and attraction for investment of capital in such a risky adventure. I am of opinion, that return on capital at 6% is quite reasonable, and it cannot be enhanced any further.

70. Thus the prior charges to be deducted are:—

(i) Bonus already paid	..	Rs. 27,178-0-0
(ii) Income-tax	..	Rs. 125,000-0-0
(iii) Return on capital	..	Rs. 30,000-0-0
(iv) Transfer to general Reserve	..	Rs. 25,000-0-0
<b>Total</b>	..	<b>Rs. 2,07,178-0-0</b>

71. The net profit shown is Rs. 2,37,080-0-0. After deducting the amount of prior charges of Rs. 2,07,178-0-0, the balance that remains comes to Rs. 29,902-0-0. This sum represents the amount of available surplus for distribution of bonus for the year 1953-54.

72. However, Dr Parkash has argued, that an amount of Rs. 25,000/- was written off as promotion money, and that this amount also must be deducted towards prior charges. No doubt the balance-sheets for the previous years show that in the said years a portion of the profit was deducted towards promotion money written off. However, I am unable to hold that any amount can be written off in the year 1953-1954. The company has been in existence from a number of years prior to 1954. There is no satisfactory proof as to how this expense was incurred, or in what circumstances the amount came to be written off. Apart from this, this is not a legitimate amount of prior charge to be deducted.

73. The question next is about the amount that should be awarded as bonus. It is stated before me in the course of arguments by Dr. Parkash, that the amount of basic wages paid to daily rated weekly paid labour in the year 1953-54 amounted to Rs. 1,09,499/-.. This is also seen from Ext. M/234. Ext. M/235 has been filed to show the amount that was actually distributed towards bonus, and it is stated therein that an amount of Rs. 18,250/- will have to be paid if daily rated weekly paid labour was also to be paid on the same basis as the other employees. It must be remembered that the other employees were paid at 1/6 of their earnings according to the report of the Directors. The amount of basic wages paid in the said year is Rs. 1,09,299/- i.e. about Rs. 9,200/- per month. I am of opinion, that there is enough available surplus to warrant payment of 1/12 of the basic wages earned during the year towards bonus, and the same shall be paid according to the rules of the company in force to the workmen who worked in the said year. I find accordingly on this issue.

Issue No. 6

1

74. This relates to the termination of employment of certain workmen. In the statement of demands it is alleged, that the termination of employment of workmen by the management during the period from 8th June 1958 to the date of cessation of strike is not just or justified, and that the workers are entitled to claim relief in this connection. The management have contended, that the termination of service of workers was justified. It is important to note that no details are furnished in the statement of demands about the names of the persons discharged, or the dates on which they were discharged. Even the reference does not give the said details, and this item of reference suffer from vagueness.

75. However in the course of trial both parties agreed before me, that two sets of workers were affected, and that Item No. 6 of the reference deals with these two sets of workers.

76. Firstly, we have to deal with the discharge of 18 workers, whose names are found in Ext.W/42, filed on behalf of the workmen. They are:—

1. Shri Amar Singh.
2. Shri Kanwer Singh.
3. Shri Barkat Ali.
4. Shri Fakir Shah.
5. Shri Bhanwar Shah.
6. Shri Hamid Khan.
7. Shri Taj Mohd.
8. Shri Ahmad Shah.
9. Shri Ramjan.
10. Shri Panchu.
11. Shri Jiwani.
12. Shri Bhanwar Singh.
13. Shri Udai Singh.
14. Shri Krishna.
15. Shri Chhater Singh.
16. Shri Alamali Khan.
17. Shri Bachan Singh.
18. Shri Piru Ram.

77. The contention on behalf of the management is, that these 18 men were temporary, and that, therefore, their service came to an end. According to the evidence of Shri Raj Pal, the services of the 18 men mentioned in Ext.W/42 became terminated with effect from 11th May 1956. Exts./M188-189 are cards and Ext.M/190 is stated to be an application for appointment. Their services came to an end, because their jobs came to an end, and also in accordance with the terms of their bonds. The company did not want to increase their liability by keeping them further in service. They are said to have been engaged for the first time as per their bonds, Exts.M/202 to 218, and not earlier. No notice was necessary to these persons and it was not given. No other services were terminated before the strike except of these 18 men noted in Ext. W/42. It is thus clear from the evidence, that these 18 men were discharged because they were only temporary hands. The bonds, Exts.M/202-218, do show, that the workmen in question were employed as temporary workers till the completion of the job, or for a fixed period of time. No notice was necessary in terms of these agreements. These cases are clearly governed by the decision of the Supreme Court in Rohtas Industries Ltd. (1956 II LLJ 444). There the question arose with reference to certain temporary employees and it was held, that the management were entitled to terminate their services when their contracts came to an end. On the same principle here also the workmen in question were engaged only for a temporary period and for a temporary purpose for doing work which was essentially of a temporary nature, and the management was entitled to terminate their services according to the terms of their contracts of service. There was no need to give them any notice. The company was not bound to keep them in service. As observed by the Supreme Court in J. K. Iron & Steel case (1956 I LLJ 227), the company was not bound to suffer the dead-weight of an uneconomic surplus. I find, that the termination of service of the said 18 workmen is valid and justified, and that the said workmen are not entitled to any relief in this connection.

78. Secondly, it is contended on behalf of the workmen, that the service of two other workers were terminated, namely Ghulam Shah and Rahim Shah. Ext. W/45 is a notice dated 19th June 1956 that was served on Rahim Shah, six days before the strike commenced on 25th June 1956. According to the case of the management, Rahim Shah was looking after the village piece workers' work at Quarry No. 8 as a Labour Mate. On 10th May 1958 there was an agreement arrived at with the village piece workers (Ext.M/40). However, they went on an illegal strike from 11th May 1956. There was not enough work for Rahim Shah to supervise, and, therefore, he was laid off for an indefinite period until the normal work was resumed. It is stated in Ext.W/45, that, as the lay off was due to the strike on the part of the village piece workers, he was not entitled to any compensation. WW1. Rahim Shah, deposes, that he was a labour mate, and that he was removed from service on 20th June 1956. He was asked to dissuade the workers from going on strike. He expressed his inability to do so, and this led to the termination of his service. Ext.W/3 is the notice served on Ghulam Shah and on him. He is the Central Secretary of the Union. Rahim Shah denies that there was any strike of the village piece workers from 11th May 1956.

79. WW13 is Ghulam Shah, and he was also a labour mate. He supervised the work of raising and got railway wagons loaded. He was given a notice on the 19th June by the company that his services were terminated. Prior to that he had worked for about 9 or 10 months. No charge-sheet was given to him and no enquiry was held. He was not told by the company in his capacity as a mate, that the village piece workers were not working and had gone on strike.

80. The evidence of Shri Raj Pal is, that the services of these two men were not terminated at any time. They were only laid off. He cannot say that any lay off compensation was paid to them.

81. The contention on behalf of the management is, that the village piece workers were on strike from 11th May 1956, that accordingly there was no work of supervision for these labour mates, and that, therefore, they were laid off. It is clearly established on the evidence which I see no reason to discredit, that these men were not discharged but were only laid off. The argument, that they were not paid lay off compensation, and that, therefore, the lay off is not valid, cannot be accepted. Because according to Section 25E of the Industrial Disputes Act no compensation is payable if the lay off is due to a strike or slowing down of production on the part of the workmen in another part of the establishment.

82. It is however argued, that the theory of the management that there was a strike by the village piece workers from 11th May, 1956 is not true. This contention is not entitled to weight. There is evidence of Shri Raj Pal examined on behalf of the management, that the village piece workers were on strike, and I prefer to believe his evidence. Moreover, I may refer to Ext. M/200 dated 16th June, 1956, which is a copy of the notice put up by the management stating that the village piece workers had not been coming to work from 11th April, 1956, and were on strike from that day, and that unless they returned to work within 48 hours, they would subject themselves to disciplinary action. I find that Rahim Shah and Ghulam Shah were laid off, that this became necessary as the village piece workers struck work from 11th May 1956, that such lay off is justified, that they are not entitled to compensation in view of Section 25E clause (3), and that no relief is due to them. I find accordingly on this issue.

#### Issue No. 2

83. The question next is about the strike from 25th June 1956. It is common ground that there was a strike from 25th June 1956. A strike notice was given on 5th June 1956. The strike commenced on 25th June 1956 and ended by an agreement reached on 27th July 1956, copy of which is Ext. M/18.

84. The contention on behalf of the workmen is, that the said strike was both legal and justified, whereas the management have pleaded, that it was illegal, violent and unjustified.

85. In the first place, I shall take up the question of legality of the strike. It is necessary to go into the history of the dispute between the parties.

86. It is clear from the evidence, that the workmen were agitating from sometime prior to 25th June 1956 for bettering their lot Ext. W/82 is the minutes of discussion that were held at a meeting between the parties in the presence of Shri A. C. Datta, the Managing Director, on 23 February 1955. Reference may next be made to Ext. M/7, which is an agreement arrived at on 19th May 1955 in the presence of the Conciliation Officer, Ajmer. The demands put forward on behalf of the workmen are dealt with therein. In paragraphs 11 and 12, with reference to rates of wages and bonus for 1951-54, it is stated, that for the time being it was agreed to defer these two demands for increase in the rates of wages and payment of bonus, for collecting necessary data and statistics in regard to profit and loss and other particulars. Further outstanding demands were to be taken up for conciliation at the next meeting. Ext. M/8 is a copy of the minutes of the discussion held in connection with implementation of Ext. M/7 on 22nd October 1955, and it proves that items No. 1-8 had been complied with as per Standing Orders Act. With regard to item No. 10 it is stated, that the management had provided uniforms to sweepers and office boy. This is signed by Rahim Shah.

87. On behalf of the Union a strike notice was given, Ext. M/9 dated 2nd January 1956, and it was intimated that a strike would be called from 1st February 1956 for the reasons mentioned in Ext. M/9A. Obviously the strike did not come off. There were conciliation proceedings and a memorandum of settlement was arrived at on 25th January 1956, i.e. Ext. M/10.

88. Reference may next be made to Ext. M/40, which is the memorandum of settlement dated 10th May 1956, with reference to village piece workers Ext. M/41 is another settlement dated 10th May 1956 arrived at in the presence of the Conciliation Officer with reference to the workshop workers of Bikaner Gypsum Ltd.

89. The contention on behalf of the management by Dr. Parkash about the illegality of the strike is based on the agreements referred to above, and more

particularly Ext. M/10. Section 24(1) of the Industrial Disputes Act is in the following terms:—

“A strike or lock out shall be illegal if it is commenced or declared,—

- (i) in contravention of Section 22 or Section 23, or
- (ii) it is continued in contravention of an order made under sub-section (3) of Section 10.”

The management urge, that the strike from 25th June 1956 is illegal because it contravened Section 24 clause (1). It is argued that the strike is in contravention of Section 23 clause (c) of the Act. The said clause provides, that no workman who is employed in an industrial establishment shall go on strike in breach of contract, and no employer of any such workman shall declare a lock out, during any period, in which a settlement or award is in operation in respect of any of the matters covered by the settlement or award. Dr. Parkash contends, that the notice of strike that was given in this connection is only in respect of most of the matters concluded by the settlements, Ext. M/10, and Exts. M/40-41 that the matters in respect of which the strike was undertaken are matters covered by the said settlements which were in force at the time of the strike, and that, therefore, the strike is illegal. It is note-worthy that the settlements, above referred to, are for an indefinite period, and there is no fixed period therein. Under Section 2(p) a settlement means a settlement arrived at in the course of conciliation proceedings. This is under the old Act as it stood before the amendment, which was in force at the time of the strike. Under the amended Act, a settlement includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceedings where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof had been sent to the appropriate Government and the Conciliation Officer. The agreements in question are signed by the parties. Ext. M/10 is signed by Shri Murlidhar Vyas, Rahim Shah, Joint-Secretary and Ghulam Shah, Member, and by Fazal Shah, President. The agreements in question are “settlements” within the meaning of the definition under the old Act, as they were arrived at during the course of conciliation proceedings. According to Section 19 the settlements are to be binding for such period as is agreed upon by the parties, and if no period is stipulated, for a period of six months, and shall continue to be binding on the parties after the expiry of the above period until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties, to the settlement. The settlements, Exts. M/10, 40 and 41, were in operation on the date of the strike. No such notice as is provided for under Section 19 had been given, and the agreements were not terminated by any notice on behalf of the workers. Therefore, when settlements were in operation at the time the strike began on 25th June 1956, if it was in connection with any of the matters covered by the settlements, it is illegal.

90. It falls to be determined whether any of the matters, on account of which the strike was undertaken, is covered by the settlements referred to above. Ext. M/229 is the notice of strike. In Ext. M/229 there is mention of the notice dated 2nd January 1956, and it is averred that the management had not implemented any of the demands on behalf of the workmen. It will appear that though notice was given that the strike would commence from 19th July 1956, it was subsequently stated that 19th July 1956 was a mistake for 19th June 1956.

91. The first demand in Ext. M/229 is that there should be an increase in wages at the rate of Rs. 2/8/- to male labour and Rs. 2/- to female labour. This is covered by Ext. M/7, and I have already referred to paragraphs 11 and 12 therein. In Ext. M/10 dated 25th January 1956 it is stated, that with reference to the demand for increase in wages, the management had pointed out that the rate of supply to Sindri Fertilizers was based on cost examination, that the rates for mazdoors were based on the same, that, if any increase was to be given to the mazdoors, it would affect the rate of supply to Sindri, and that it was agreed that the Government may further examine the accounts to settle the increase in wages.

92. Demand No. 2 relates to contract labour. I have already found above that contract labour is outside the scope of the Industrial Disputes Act and that they are not the workmen of the company.

93. Demand No. 3 relates to payment of bonus for the years 1951-52, 1952-53, and 1953-54: With reference to this, the management agreed to recommend to the Board for payment of another month's bonus to the departmental labour for the year ended 1954-55. The demand for payment of bonus for the years referred to above was not taken into consideration as the demand was belated and the accounts had been closed.

94. Demand No. 4 relates to the establishment of a co-operative society for village piece workers. In Ext. M/10 it was offered by the Union, that through the village co-operative society they would work Quarries Nos. 8, 9 and 11 on a co-operative basis, and they also undertook to give gypsum to Sindri with 87 per cent purity and below 8 inches in size, at the rate of Rs. 5 per ton, inclusive of all costs set out therein. The workers were to pay the cost of explosives, if they had to be used. With reference to this offer on behalf of the Union, the management stated that they would consult their Managing Agents, and inform the Regional Labour Commissioner their decision within one month.

95. Item No. 5 relates to victimisation of certain workers. This demand is covered by Demand No. 6 in Ext. M/10. It was agreed that the Union Representative should give specific instances of victimisation and forward the same to the Conciliation Officer who would inquire into the matter within one month.

96. Demand No. 6 in the strike notice is to the effect, that the persons, who had put in more than one year's service, should be made permanent. This apparently related to implementation of the Standing Orders, and it is pointed out by Dr. Parkash, that it is covered by item No. 4 of Ext. M/10.

97. Demand No. 7 in the strike notice relates to wages and grades of workshop workmen. Ext. M/41 deals with the same and it was agreed therein, that the Union and the management should collect from various institutions, Chambal Hydro Electricity Scheme, Palana Badvasi, etc., particulars regarding the various grades and scales of pay, and that they should be placed before the Managing Director, who was to arrive on or about 23rd May, 1956. The Union was also requested to give the particular cases which they wanted the management to consider in the matter of increments. With reference to other demands therein the Union agreed to supply the information required.

98. Demand No. 8 deals with the labour engaged by contractors, which is outside the scope of this adjudication.

99. Demand No. 9 is to the effect, that Sunday should be observed as a holiday with wages. Item No. 16 in Ext. M/10 deals with the same, and it was agreed that the matter was to be taken up with the Government and the decision was to be binding on the parties.

100. Demand No. 10 relates to certain deception and fraud practised in connection with the Standing Orders. Items No. 4 and 8 in Ext. M/10 deal with the Standing Orders and it was agreed that the Conciliation Officer should inquire into the matters.

101. Demand No. 11 is to the effect that there should be equal terms in the matter of service and promotion in respect of all workers. This is the subject-matter of demand No. 18 in Ext. M/10.

102. Demand No. 12 deals with payment of bonus to labourers engaged by contractors. This demand again is outside the scope of the Industrial Disputes Act.

103. A comparison of the demands as made in the strike notice with the agreements that were arrived at between the parties, shows full well, that most of the matters in the strike notice are covered by the agreements referred to above. These agreements were in force at the time the strike began and the strike notice was given on 5th June, 1956. When most of the matters in the strike notice are covered by the agreements, the strike is illegal according to Section 24 of the Act.

104. However, on behalf of the workmen it has been contended by Shri Manak Chand, that the agreements in question were not arrived at in the course of conciliation proceedings, and that, therefore, they are not valid and binding on the workers. This is an untenable proposition. The officers, before whom these agreements were arrived at, were holding conciliation proceedings, and these agreements were entered into in the course of such proceedings. These are settlements within the meaning of the definition in Section 2(p) of the Industrial Disputes Act. These agreements were in operation and in force at the time of the strike, which is consequently illegal in view of Sections 23 and 24 of the Act.

105. It is also contended by Dr. Parkash, that even when a strike is undertaken for a purpose which is partly legal and partly illegal, the strike is wholly illegal, and reliance is placed on Section 84, page 248, of Labour Disputes and Collective Bargaining by Ludwig Teller. Even if some matters in the strike notice are not covered by the agreements, even then the whole strike is illegal. The language

of Section 23(c) also makes it clear that the strike will be illegal if any of the matters is covered by the settlement or award. If the strike was in respect of even one demand, which was covered by the agreements, it would be illegal. In Laxmi Devi Sugar Mills Vs. Ram Sarup and others (1957 I LLJ 17) a strike for only a few hours was held to be illegal. I find that the strike is illegal as being opposed to Sections 23 and 24 of the Act.

106. Nextly it is well settled that there can be no continuity of service in connection with an illegal strike. Continuous service is defined in Section 2(eee) of the Act. "Continuous service" means uninterrupted service, and includes service which may be interrupted merely on account of sickness or authorised leave or an accident or a strike which is not illegal or a lock out or cessation of work which is not due to any fault on the part of the workmen. Here there can be no continuity of service, because the interruption of service was due to a strike, which is illegal and to illegal conduct and fault on the part of the workmen. The strikers—employees are, therefore, not entitled to any continuity of service, from the period when the strike began upto the date when they were taken back into service after the cessation of the strike. In this connection I may also refer to the decision of the Supreme Court in Buckingham & Carnatic Mills, and their workmen (1953 I LLJ 181), where a similar question arose. It was held, that on account of the strike being illegal, the workmen lost the benefit of holidays that they would otherwise have got under the rules. The principle laid down therein applies to this case also. The absence of the workmen during the period of strike cannot be condoned and they cannot be given continuity of service. I find that the workmen are not entitled to continuity of service in respect of the period of strike.

107. Nextly, it is clear that the workmen are not entitled to any wages for the period of strike in consequence of its being illegal. In the decision in Mahalaxmi Cotton Mills, and their workmen (1952 LAC 370) it was held, that the striking workmen were not entitled to wages for the period of strike in consequence of the strike being illegal. The decision in Lord Krishna Sugar Mills and their workmen (1952 I LLJ 803) is also an authority for the proposition that where the strike is illegal, the workmen are not entitled to any wages whatever for the strike period.

108. In the second place, the question is with reference to justification for the strike. According to the contention on behalf of the management, the strike was wholly unjustified, and there was no need at all for the workmen to go on strike and much less for such a long period. In the statement of demands, it is alleged by the workmen, that the strike is legal and justified, because the demands in the strike notice were all well founded, that no heed was paid to the strike notice, that all the available remedies were exhausted, that it was also due to the high-handedness of the company towards the workmen, and that it was lengthened on account of acts and omissions of the management. It is contended on behalf of the workmen, that no heed was paid to the demands in the strike notice, and that, therefore, they were provoked into going on a strike.

109. The answer on behalf of the management is, that most of the demands covered by the strike notice are covered by the agreements, that in the matter of implementation of the agreements referred to above they did what all lay in their power, and that on the contrary the Union did not implement the agreements and did not carry out their part of the settlement. With reference to the agreement, Ext. M/7 there is a remark in Ext. M/8, dated 22nd October 1955 by the Conciliation Officer that all the demands, Nos. 1—8, had been complied with as per Standing Orders.

110. Next taking the agreement, Ext. M/10, it will be seen therefrom, that demand No. 7, relating to adequate arrangements for food, housing, etc. for workers; demand No. 9 relating to fixation of working hours; demand No. 10 relating to increase of wages for drivers, and supply of uniforms; demand No. 12 relating to machine working of the mines; demand No. 13 about reformation of the contract system, and demand No. 17, were all dropped. In view of the agreement the Union agreed to withdraw the strike notice Ext. M/9, dated 2nd January, 1956. The demands, that remained, were about increase in wages, payment of bonus, remuneration to village piece workers, and arrangements about quarrying in the mines, implementation of Standing Orders, alleged victimisation of workers, etc. I am unable to see that the workers had any reason for resorting to strike to a few months thereafter on 25th June, 1956.

111. Turning to the several demands, firstly reference may be made to the demand for increase in wages in the strike notice, Ext. M/229. In Ext. M/7 it was agreed that the Government should examine the accounts to settle the increase in

wages. With reference to workshop employees, it was agreed in Ext. M/41 that information should be collected from various concerns for the purpose of having suitable grades and increments. The management have produced Ext. M/221, as showing the manner in which they implemented their part of the undertaking in the agreement. It is the case of the management, that the matter had been referred to the Government, and that the cost examination yet remained to be done. Ext. M/52 is a letter addressed by the management on 1st May, 1956 to the Regional Labour Commissioner that till then no examination of the accounts had been made by the Government. Exts. M/230 and 231 are also referred to in this connection. The management requested information as to the proper authority to whom the accounts should be submitted for examination in terms of the memorandum of settlement. It does not appear from the evidence that the Union took any steps in the matter of getting the accounts examined. Indubitably the examination of accounts by Government agencies required time. The management did what they could by addressing the Labour Commissioner about the examination of accounts by the Government. It was not also decided which Government should examine the accounts, the State Government of Rajasthan or the Central Government. According to the evidence of Shri Datta, MW 17, the company wrote to the Government about the examination of accounts, but the Central Government did not examine them. The Regional Labour Commissioner wanted to examine the accounts, but in the meantime the strike took place.

112. Nextly with reference to bonus, the management gave additional bonus for the year 1954-55. There was dispute between the parties about the liability for bonus for the years 1951-54, and the management refused to consider this demand in the agreement Ext. M/10.

113. Nextly so far as the village piece workers are concerned, the company accepted the proposal of the Union for the formation of a co-operative society, as mentioned in the agreement, Ext. M/10. That the company were taking steps in the matter of formation of the co-operative society, does not admit of any doubt. According to the evidence of Shri Raj Pal, the terms and conditions about the co-operative society were not incorporated in the agreement, dated 25th January, 1956. That contained only brief terms, and they had to be elaborated and clarified before any contract with the co-operative society could be entered into. Ext. M/201 shows that a letter was addressed to the Regional Labour Commissioner on 29th February 1956, seeking clarification on the question of formation of the co-operative society. Ext. W/4, dated 24th June, 1956 is addressed to the Secretary, Gypsum Mines Workers' Union, and it is stated therein that a letter dated 29th February, 1956 had been sent to the Union, and that as soon as the clarification was received and the co-operative society was formed and registered, then an agreement would have to be entered into with the Managing Agents. Ext. W/33 is a draft agreement between the company and the co-operative society to be formed. Ext. W/34 is a letter of the Union to the company in reply to the clarification sought by the Bikaner Gypsum Ltd. in their letter dated 29th February, 1956. Ext. W/36 is a copy of a draft with regard to the formation of the co-operative society. Ext. M/46 is also relevant in this matter. It will be seen from the documents that correspondence was going on between the Union and the company with regard to the formation of the co-operative society. No doubt there was a demand by the Union for payment of increase in the rates paid to the village piece workers, as can be seen from Ext. M/43, the minutes of discussion on 14th, 15th and 16th June, 1956. The complaint of the company was, that the workmen were not giving gypsum of the required purity, and that a lesser price was given by Sindri Fertilizers for sub standard gypsum. Ext. M/40 was entered into on 10th May, 1956. It was agreed therein, that before the formation of the co-operative society, the green gypsum or the inferior gypsum would be removed by the labourers at the cost of the company, that there was loss of purity in regard to despatch of gypsum in the fortnights ended 15th and 30th April, 1956, that the units of purity would be made up by the village piece workers as soon as possible, and that advance payment for this tonnage had been decided to be paid at the rate of Rs. 2/12/- per ton on the understanding that in future material below 87 per cent. would not be loaded into the wagons and the lost units would be made up as soon as possible. In case the purity was not made up within the succeeding six weeks, deduction at the rate of 1/4/- per ton was to be made in final settlement of bills. It is in evidence on behalf of the management, that Sindri Fertilizers made deductions on account of lack of purity in the gypsum supplied to them. The Managing Director, Shri Datta, MW 17, says, that their price to Sindri is linked up with purity and that for purity below 87 per cent they are penalised. It is abundantly clear that loss of purity is a serious matter, because the company receives a lower price for gypsum of low purity.

To ensure proper working of Quarries No. 8, 9, and 11 and supply of gypsum of the required purity, the formation of a co-operative society was envisaged in the agreement, Ext. M/10. There was correspondence between the Union and the company about the same and steps were being taken for implementation of this part of the agreement also.

114. Again with reference to the question of victimisation of employees, the Union was asked to give specific instances. It does not appear from the material on record, that any such instances were brought to the notice of the Regional Labour Commissioner or to the management, or that any information was supplied in this behalf by the Union, as required in Ext. M/10.

115. With reference to wages and grades of workshop employees, an agreement was reached in Ext. M/41. Information had to be collected from various concerns. The management have stated, that letters had been written to various establishments, and that some of them had sent replies and some had not. The management were doing what all they could with a view to implementation of the agreement in this respect also.

116. Nextly, with reference to the demand, that Sunday should be declared a holiday, this was a matter again for action by the Government. With reference to the demand of equality in the matter of service and promotion, and with reference to the demand about non-implementation of Standing Orders, it was agreed, that the Union was to submit to the Conciliation Officer cases of infringement of Standing Orders. It does not appear that the Union gave any information about such infringement.

117. Nextly, with reference to the demand on behalf of contract labour, I have found above that workers engaged by the contractors are not workmen of the company.

118. The last demand relates to certain fraud and deception said to have been practised in the matter of Standing Orders. Ext. M/236 is a copy of the Standing Orders in English. The Hindi translation is Ext. M/227. Exts. M/191—196 and 197 to 199 are also referred to in this connection. I fail to see what fraud or deception there was in the matter of Standing Orders, as alleged in the strike notice. The Standing Orders were approved by the certifying authority. Ext. M/228 is the letter dated 17th June, 1955 from the Regional Labour Commissioner to the company, wherein it was informed that he had gone through the Hindi translation and it was approved by him. If the workmen were not satisfied with the Standing Orders, as they stood, it was open to them to take such proceedings as were available to them under law for modification of the same.

119. A scrutiny of the evidence on record reveals, that with reference to the several demands of the workmen, the company had been doing whatever lay in their power in the matter of implementation of what had been agreed upon in the several agreements that were entered into. There was no reason or provocation for the strike. On the contrary, the evidence will show beyond doubt that the Union had not taken steps in the matter of implementation of the several agreements. Ext. M/221 has been filed on behalf of the company to show non-implementation by the Union of the several items in the agreements arrived at between the parties. The evidence of Shri Vyas may also be referred to in this connection. His evidence is, that there was no examination of the accounts by the Government. There was no question of his approaching the Government about the examination of accounts, because he wrote to the Government that the agreement was not implemented. Next he says that, when he met the Conciliation Officer on 8th February, 1956, he told him about the names of the workmen who had been victimised. He did not get any letter from the Conciliation Officer. He does not now remember whether he pursued the matter after 8th February 1956. It does not appear from the record that any such names were given to the Conciliation Officer. He next says, that regarding retrenchment of the workmen he gave names of the workmen to the Conciliation Officer. He cannot say off hand whether he wrote to the Conciliation Officer. He gave a list of the workmen who were not getting equal treatment. Because 36 times Harijans were turned out, that condition is mentioned in the agreement. He gave the names of these Harijans at the time of the inquiry, but he did not take up the matter with the Conciliation Officer. When his attention is drawn to Ext. M/40, he says that the labourers did not know anything about purity. When he was asked a specific question, whether the workmen made up the purity, his answer was that the company knew it better. He did not ascertain whether the workers had made up the purity. He had no duty in the matter and it was that of the Supervisor to do so. In regard to the workshop people, he says that he was obliged to sign the agreement because

his labourers were also involved. Some of the workshop men are members of his Union. He represented all the workers before the Conciliation Officer. He did not furnish the details contemplated in Ext. M/41. With reference to demand No. 4 in Ext. M/41, he could not say if the Union gave any details to the management regarding grades and scales in other similar industries. He wrote to a person in Lakheri, but the latter did not send him the information. He did not approach any other persons besides the Lakheri man. He did not write to the management to ascertain whether they had obtained all the information. With reference to the Co-operative society, the evidence of Shri Vyas is, that the registration of the Society could not be affected because the company did not give the correct terms. The terms given by the company were stated to be against law. The Inspector of Co-operative Societies did what all was necessary for formation of the society, but the registration was held-up. The fee was also deposited late. Shri Vyas says that the Co-operative society was registered last month, i.e., in September, 1957. With reference to Standing Orders, he complained that they were not modified, but he did not apply for modification of the Standing Orders. He cannot say definitely whether he took the necessary procedure under law for modification of the same. He cannot say whether Hindi translation was not put up on the notice-board before the strike began. His complaint now is, that the Standing Orders were not explained in Hindi. It will be seen that there is force in the contention on behalf of the management, that, while they took all possible steps to implement the terms of the agreement entered into with the Union, the latter did not take any effective steps in the matter.

120. From a review of the evidence, it is perfectly clear, that most of the demands contained in the strike notice were covered by the agreements entered into between the parties in conciliation proceedings. The management had done what all lay in their power for implementation of the agreements, but the Union did not do its part in regard to such matters. In such circumstances, I fail to see what justification was there for launching a strike from 25th June, 1956. The various matters, like increase in wage rates, examination of accounts by Government, formation of co-operative society, fixation of grades and scales, and obtaining of information from other concerns, necessarily required time for completion. There was no justification for the workmen to have recourse to direct action in a light-hearted manner on 25th June, 1956.

121. However, on behalf of the Union it is contended, that the workmen had become desperate, that they had not obtained any redress, and that their living conditions were intolerable, and that in these circumstances they had no option except to strike, and that, therefore, the strike is justified. Firstly it is pointed out, that there were no dwellings provided for them. Some witnesses on behalf of the workmen have admitted, that a number of quarters have been provided for departmental workers. There is no doubt that the company has provided housing to its workers. Shri Vyas says, that there are 300 huts, about 50 or 60 quarters, and 8 in the process of construction. When his attention is drawn to Ext. M/182, he says, that it is not correct. According to the evidence of Shri Seshadri, the Assistant Engineer, 48 huts have been constructed for the workers. All these are inhabitable. He denies the suggestion, that only 23 are habitable and the rest are uninhabitable as their roofs have been blown off. They are all single room tenements. No electricity has been provided to these huts. Ext. M/221 contains the details of the tenements and the housing accommodation provided. The evidence of Shri Raj Pal is, that double room units too have been provided. He further says, that every one of the departmental workers has been provided with quarters except those living in villages. Some of them had been provided with 'sirk' huts. These number about 200. About 8 to 10 per cent. of the departmental labour live in their own houses in the villages. The village piece workers live in their own houses in villages. According to the evidence of WW 10, Puran, there are 72 quarters and 8 are being built. There are about 300 'sirk' huts for departmental labour and contractors' labour. He has got quarters. It is not as though that the company has not been taking any steps at all for providing housing accommodation. It may be inadequate, but making provision for housing, necessarily takes time. There can be no impatience about the matter. However, it is argued, that no corrugated iron sheet huts have been provided. The contention on behalf of the company is, that they could not get the necessary material in spite of their attempts to get the same. Exts. M/98 to 124 and 220 are the documents relied upon in this connection to prove that the company was in fact making every effort to get the necessary corrugated iron sheets. If the company has not been able to provide more housing accommodation, it is not due to their fault or unwillingness.

122. Nextly it is argued, that there are no educational and medical facilities. It is admitted that there is a school and that there is a teacher, who is working therein. It is also in evidence that there are medical facilities. There is a dispensary and there is a doctor in attendance. The evidence of Mst. Kesar, WW 5, is, that the doctor pays visits, and that she got medicine.

123. Nextly, it is urged by Shri Manak Chand, that there was no adequate water supply. The contention on behalf of the management is, that in the region, where the mines are situate, it is very difficult to obtain supply of water, that formerly water was being obtained in tank wagons from Bikaner and that it was being supplied on camel's back. The evidence of some of the witnesses on behalf of the workmen is, that each workman does not get even two pitchers of water per day, and that the water, that he gets, is not sufficient even for drinking and kitchen use. According to the evidence of Shri Raj Pal, 40 gallons are being supplied to daily rated monthly paid people, 20 gallons, and 8 gallons a day, to daily rated weekly paid persons, and contractors' labour respectively. Formerly water was being supplied from tankers of Bikaner, each about 4,000 gallons. Subsequently two ordinary wells and a tube well were made ready in 1952-53. The present water supply is 26,000 gallons. The company has been doing its best to supply water in the difficult terrain.

124. It is next contended for the workmen, that there are no lighting facilities. It is in evidence, that certain quarters have been provided with electricity, though not all. It is also objected that there is no street lighting. It is in evidence that there are posts, but the workmen's witnesses say there are no bulbs. The suggestion to Shri Vyas in cross-examination is, that workers steal bulbs. He denies the suggestion, and says that if any bulbs are fused in the officers' colony, bulbs in the workers' quarters are removed.

125. Even granting for the sake of argument, that in the matter of making provision for education, lighting, medical assistance, housing, and water supply, there are any deficiencies, that was a matter for negotiation with the company. Exts. M/75 and 76 have been produced to show the amounts spent by the company on the facilities provided. It is not as though the company had not given any facilities at all. The argument on behalf of the workmen, that, because of the deficiencies existing, they were entitled to strike, is difficult of acceptance.

126. Nextly, it is argued, that the contracts of certain contractors were put to an end to, that there were about 600 men working under the contractors, that these went out of employment, and that this offered provocation for the strike. According to the evidence of Shri Vyas about 15 or 17 commission agents were sent-away and along with them 600 labourers were thrown out of employment. This took place a few days prior to 25th June 1956. The company had recourse to lock out as 600 labourers of the commission agents were concerned. The letter Ext. W/47, was sent on 24th June 1956 by the Joint Secretary, Shri Laxmi Narain. On 23rd June 1956, when the Conciliation Officer came to the mines, there was a discussion about the same. He asked the manager to give him an assurance in writing that the 600 men would be taken back on the 23rd or the next day along with the tubs, but the management did not give any such assurance. In answer the contention on behalf of the management is, that they did not unilaterally put an end to the contracts, but that the contractors themselves wanted to be relieved of their obligations under the contracts because of the threatened strike. The above contention on behalf of the workmen, also is of no force. The labourers of the contractors were not employees of the company. There was no justification for going on strike on their behalf. Secondly, it is quite possible that the contractors themselves were not anxious to carry out their contracts in view of the penal clause in their contracts about forfeiture of the security deposited in case they did not fulfil the terms of their contracts. There is such a clause in the contracts, of which Ext. M/48 is a pattern. Shri Vyas says, that the commission agents told him before the strike began, that there was a talk that their labourers also may go on strike. If some of the contractors were not willing to abide by their contracts on account of the threatened strike and put an end to them and if their labourers were thrown out of employment thereby, I fail to see how the management can be held liable. The contention on behalf of the management is, that in spite of the notice given by the contractors about termination of their contracts, the company took steps to employ the labourers of the contractors. According to the evidence of Shri Raj Pal, 600 or 700 mazdoors were not discharged prior to strike. Some of the contractors gave notice of the termination of their contracts, stating they would not do the work but the contractors' labour said that they would work till 25th June 1956. Such of the contractors' labourers

as were working under the contractors, who had given notice of termination of contracts, were told that they could do loading work, and that the company was willing to engage them on departmental basis. I am satisfied with the truth of this evidence. It is not possible to hold, that about 600 or 700 mazdoors were thrown out of employment prior to the strike as the result of any action on the part of the management. On the other hand, some of the contractors gave notice, that they were not willing to fulfil their contracts because of the threatened strike. It is on account of this action of the contractors that their men had to lose employment, but the company offered them employment, and, according to the evidence of Shri Raj Pal, the contractors' labour did work till about 25th June 1956. According to the evidence of Champa Lal, MW 5, even after the strike began, he continued to work till 29th and 30th June, 1956. The work was then discontinued because the workmen were not permitted to reach the quarries and there was obstruction both by male and female strikers. The contention on behalf of the workmen, that 600 or 700 men were suddenly thrown out of employment just a few days before the strike, and that this offered provocation to the workmen to go on strike, is unfounded and must be rejected.

127. The next argument, that has been urged, is, that the company terminated the services of certain other workmen, who had been engaged by them, and that this also was a cause forcing them to strike. I have already referred to the fact, that no details were furnished in the statement of demands about the workmen, whose services are alleged to have been terminated. In any case, Shri Vyas referred only to the case of the 18 workmen mentioned in Ext. W/42, and Rahim Shah and Ghulam Shah, as the persons, whose services were terminated by the company. I have given my reasons for holding that the termination of service of the 18 persons is justified, and that the other two were lawfully laid off. There was a strike by the village piece workers from 11th June, 1956. Ext. M/200 is the notice put up by the management. Ext. M/96 has been filed to show that between May and August, 1956 no village piece workers worked on mining jobs and turned up only for loading jobs. The evidence on behalf of the company, which I believe, also establishes, that there had been adoption of go slow tactics from sometime past. Ext. M/33 and the annexures IV to VI thereto, and Ext. M/38 have been filed in this connection. Ext. M/131, dated 14th June, 1956 is a copy of the letter that was sent by the company to the officer on special duty Messrs. Sindri-Fertilizers, stating that the workmen had been adopting go slow tactics ever since April 7, 1956. Ext. M/132 is the complaint by Sindri, dated 17th May, 1956 that the full despatches were not being maintained. Exts. M/133 to 136, and 139 are the letters that passed in this connection between the Sindri Fertilizers and the company. Ext. M/138 is the copy of the letter that was received from the Rajasthan Government accusing the company of not loading wagons for supply to Sindri, whereas wagons had been loaded for supplies to other cement companies. Exts. M/224 and 225 have been produced to show the details of production and loading in wagons, and it can be seen therefrom that there was a fall. In Ext. M/33 in annexure 8A the company pointed out the fall in production in April owing to go slow tactics. Ext. M/231 is also important. The evidence does establish that the workmen resorted to go slow tactics and that the village piece workers went on strike from 11th May, 1956. In these circumstances, if the two labour mates were laid off and if some other workmen, who were temporary and whose services came to an end, were discharged, I am unable to hold that this can serve as a justification for the strike.

128. It is next contended, that wagons were not being supplied to piece rated workers. The complaint of the management was, that the workers resorted to undercutting which was prohibited. Exts. M/93, 94 and 95 are the documents relied upon. It will appear that the workers had resorted to undercutting and were also not giving gypsum of the purity required. The question of purity was all important. Sindri deducted  $1/6/-$  a ton for the first unit and  $1/4/-$  for the remainder. The company stood to lose if the purity was not upto the standard. In such circumstances, if the workers resorted to undercutting and did not give gypsum of the required purity, it is hardly possible to hold that there is any force in the complaint about non-supply of wagons.

129. On a consideration of the entire evidence, it is clear that the reasons put-forward on behalf of the workmen as justifying the strike do not bear examination.

130. Again it is important to note that attempts were being made to persuade the workmen not to go on strike. The Conciliation Officers stated, that they

were themselves looking into the matter, and that the strike might be postponed by two months. The Managing Director sent a telegram that he would himself be personally intervening in the matter. Ext. M/143 is a letter, dated 16th June, 1956, and certain terms by way of interim relief were agreed to be given by the management. That this letter was sent to the Union is clear from the entry in the Delivery Book. Ext. M/219. A telegram, copy of which is Ext. M/128 (W 3A), dated 19th May, 1956, was sent to Shri Vyas by Shri Datta. It is explained by Shri Datta that it was sent in reply to Ext. M/141, a telegram of the 18th, but Shri Vyas has denied sending Ext. M/141, though it purports to have been sent by him. There is a demand therein for dismissal of Shri Raj Pal. There are no reasons for disbelieving the truth and genuineness of Ext. M/141 and it is hardly possible to hold without sufficient reason that it was sent by some body else in the name of Shri Vyas. Ext. M/176 and Ext. M/180 are telegrams sent in May by the Labour Commissioner. There is no doubt that Shri Datta requested the workmen not to go on strike. Ext. M/45, dated 18th June, 1956 is a communication declining to postpone the strike. There was also an appeal by the Conciliation Officers, who promised to look into the matter, vide Ext. M/231. Ext. M/36 is another letter advising against strike. It is also in evidence that adjudication was suggested to Shri Vyas, but he did not agree to the same. It is stated by him in his evidence, that he was averse to adjudication because the proceedings would be lengthened. Apparently he was reluctant to have adjudication because the untenability of some of the demands made on behalf of the workmen would be established. When conciliation proceedings had been going on from a long time, when agreements had been arrived at between the parties, when effective steps had been taken by the management to implement the agreements, I fail to see what justification there was for the workers to go on strike. If there were any difficulties, they could have been placed before the Conciliation Officer. In fact the Chief Labour Commissioner suggested postponement of strike by two months to enable him to intervene in the matter. The workmen still persisted in going on strike. Even though it is recognized that strike is a legitimate weapon in the hands of the workmen in the interests of collective bargaining, still it is clear, that such action should not be adopted, except in the last resort and except when every other avenue of settlement by peaceful means and by negotiation fails. The tendency of workmen to resort to strike at the slightest pretext on account of the existence of fenced grievances must be deplored and cannot be encouraged. More often than not strikes are being resorted to on account of anxiety for leadership, and not for advancement of the cause of true trade unionism. It is argued by Dr. Parkash, that the present is an illustration of a case where a strike was resorted to not for any justifiable reason, but for extraneous considerations. It is suggested in the course of arguments by Dr. Parkash, that the strike was flaunted as a lever to espouse and support the cause of Shri Manak Chand, who was standing for election in a by-election at the time. Shri Vyas has denied any such suggestion. Be that as it may, I find that the strike is neither legal nor justified.

131. The next contention, that has been urged on behalf of the management, is, that the strike was by no means peaceful, and that on the contrary violence was resorted to by the workmen. It is in evidence that an order under Section 144 was promulgated in the mines. The suggestion on behalf of the management is, that this order was defied, and that Shri Vyas held a meeting in spite of the prohibitory order. A number of persons were arrested. Photographs were taken by the police. Exts. M/24—32 are the said photographs. According to the evidence of MW 9, Shri A. C. Bhandari, the Deputy Superintendent of Police, on 2nd July, 1956 in the morning strikers became defiant and defied the prohibitory order. They offered effective obstruction to the working of dumpers and the police could not take effective action. About 150 persons or more were arrested on 1st July, 1956. MW 14 was the Station House Officer of Jamsar Police Station in June and July, 1956. He was continuously visiting the mines during the period of strike. The strikers were peaceful for the first three days, but thereafter they became violent. They obstructed the passage of vehicles on the road and the locos on the rail track. They took out a funeral procession of the effigy of Champa Lal contractor to his village in Kichya. They obstructed the working of dumpers and other machines in the quarries. He did not receive any complaint of assault on workers. He arrested a few persons for having trespassed into the Quarries and obstructed shovels loading the wagons. The number of arrested persons was about 220. In cross-examination he says, that the effigy of Champa Lal was not burnt. Exts. M/75 to 77 relate to criminal proceedings in this connection. The workmen have tried to show that the strike was not only peaceful, but that the workers were molested. One of the workers,

Mst. Mariam, WW 3, has been examined to show, that the police put the women in a truck and took them to the jungle, that they brought them back to the bungalow and then took them again to the police station. WW 3 says, that the police mal-treated her and she sustained some injury. The photographs show the obstruction caused to the work in progress by the strikers. There can be no doubt at all that the strike was not peaceful, and on the other hand the workers resorted to violence. Though there may not have been actual assaults on the workmen, there was obstruction to the work in progress. All work had to come to a stand-still. I find that the strike was not wholly peaceful.

132. It is also contended for the management, that the strike is not *bona fide*. The decision in Rama Krishna Iron Foundry case (1954 II LLJ 372) is referred to. There is no doubt that the strike was launched to re-open settled demands and matters concluded by agreements and settlements in conciliation proceedings.

133. It is also important to note, that the strike was against the interests of the economy of the country. Most of the gypsum raised was being transported to Sindri for use in the manufacture of fertilizer, a commodity vitally needed for increase of agricultural production. It is unfortunate that the workmen should have resorted to strike as a result of which supply to Sindri was cut off. In this connection reference may be made to the speech of Mr. Grewal reported in the Hindustan Times, dated 8th June, 1956, Ext. M/129. The company gave a rejoinder, Ext. M/130, dated 9th June, 1956. Ext. M/141 is a telegram that was sent to the Hindustan Times about publication of the rejoinder. Ext. M/129 contains the statement, that Mr. Grewal confirmed the report that the Government of India had been obliged to purchase 1,50,000 tons of gypsum from Pakistan. The letters Exts. M/132, 133, 134, 135, 136, and 139 show the urgent need of supplies to Sindri. Exts. M/177 to 179 are complaints from other customers. The strike was not only unjustified, but it affected national economy also.

134. For all the reasons mentioned above, I am of opinion that the strike is unjustified, and not *bona fide*. My finding on this issue is, that the strike is neither legal, nor *bona fide*, nor justified. The workers were not also peaceful in the conduct of the strike. They are not entitled to wages for the strike period. The management are entitled to break the continuity of service.

135. In the result, an award is passed as follows:—

- (i) Disparity in wages between men and women workers cannot be removed, in the circumstances of this case.
- (ii) Wages of the workers shall be as stated in paragraph 36, set out above.
- (iii) The strike in question is illegal and unjustified and not *bona fide*. The workers are not entitled to continuity of service, and the management are justified in breaking the continuity of service. The workmen are not entitled to wages for the period of strike, or to any other relief, in this connection.
- (iv) The claim for revision of piece rates and linking them to weight of gypsum put forward in this reference, only on behalf of contract labour, cannot be sustained.
- (v) The company will pay bonus to each of the daily rated weekly paid workers, who worked in the year 1953-54, at the rate of 1/12 of their basic earnings earned during the financial year 1953-54, provided such workmen had served under the company for a continuous period of not less than six calendar months in the said year. The rest of the claim for bonus is rejected.
- (vi) The labourers engaged by the contractors are not entitled to claim any bonus from the company.
- (vii) The termination of services of the 18 workmen mentioned in Ext. W/42 is justified and they are not entitled to any relief.
- (viii) The lay off of Rahim Shah and Ghulam Shah is also justified and they are not entitled to any compensation.
- (ix) There will be no order as to costs.

(Sixty-two pages). |

The 23rd November, 1957.

E. KRISHNA MURTI,  
Industrial Tribunal, Delhi.

[No. F.LRII-57-1(7)56.]

## ORDER

New Delhi, the 24th December 1957

**S.R.O. 68.**—Whereas the Central Government is of the opinion that an industrial dispute exists or is apprehended between the employers in relation to the Jhagrakhand Collieries and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Nagpur constituted under section 7A of the said Act.

## SCHEDULE

- (1) Whether the workmen of the Jhagrakhand Collieries are entitled to arrear over-time payment as claimed by the Chhattisgarh Colliery Workers' Federation, Chirimiri, from 24th September 1948; if not, from what date?
- (2) What categories of workmen are entitled to such payments and for what period?

[No. LRII-2(40)/55.]

A. L. HANNA, Under Secy.

New Delhi, the 27th December 1957

**S.R.O. 69.—/BDLB/AM(4)/57.**—In pursuance of clause 4 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, the Central Government hereby appoints Shri S. R. Kulkarni to be a member of the Bombay Dock Labour Board vice Shri P. W. Khandekar, resigned, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 2635, dated the 8th November, 1956, namely:—

In the said notification, under the heading "Members representing the Dock Workers" for the entry "(3) Shri P. W. Khandekar", the entry "(3) Shri S. R. Kulkarni" shall be substituted.

[No. Fac. 170(2)/57.]

K. N. NAMBIAR, Dy. Secy.

New Delhi, the 28th December 1957

**S.R.O. 70.**—The following draft of a further amendment in the Coal Mines Labour Welfare Fund Rules, 1949, which the Central Government proposes to make in exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 1st February 1958.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

## Draft Amendment

In the said rules:—

for sub-rule (2) of rule 5, the following shall be substituted, namely:—

"(2) Subject to sub-rule (4) of this rule, the Vice-Chairman of the Advisory Committee shall be the Chairman of the Finance Sub-Committee and also of the Madhya Pradesh Coalfields Sub-Committee and in the case of other Coalfields Sub-Committees, a member of the Advisory Committee concerned with the particular coalfield shall be the Chairman of the particular Coalfield Sub-Committee. The Vice-Chairman of the Advisory Committee shall be entitled to attend meetings of the other Coalfield Sub-Committees."

[No. MIL-1(22)/57.]

S. RANGASWAMI, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 24th December 1957

**S.R.O. 71.**—In exercise of the powers conferred by clause (a) of section 6 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that the film entitled "Baby Doll" and its trailer produced by Warner Brothers Pictures Inc. U.S.A., in respect of which "A" certificate No. 516 dated the 17th April, 1957 and 'U' certificate No. 20247 dated the 29th April, 1957, respectively, were granted by the Central Board of Film Censors to Messrs Warner Brothers First National Pictures Inc., Bombay, shall be deemed to be uncertified films in the whole of India.

[No. 9/37/57-FC.]

D. R. KHANNA, Under Secy.